

# THE CALCUTTA JOURNAL.

OF

## Politics and General Literature.

VOL. III.]

WEDNESDAY, MAY 7, 1823.

No. 109

### SUMMARY OF NEWS.

—81—

#### Politics of Europe.

LORD COCHRANE's Defence, which we are at last able to lay before our readers, occupies the greater part of to-day's Paper; and that it may attract the attention which it well merits, we have printed it in the largest type used in our pages. The able manner in which he repels the imputations attempted to be thrown on his character, must cover his enemies with confusion, while the spirit and intrepidity he has displayed, cannot fail to raise his fame in every quarter of the world, as a distinguished Commander and an undaunted friend to Liberty. Referring our Readers to the Defence itself, we here begin with the affairs of Europe, and introduce to their notice the following observations, contained in one of the latest numbers of the SCOTSMAN, on the prospects of the Greeks:—

*Scotsman, Nov. 30.*—Our readers will be gratified to learn, that the cause of the Greeks continues to prosper. It appears, indeed, that the remnant of the brave Suliotes, reduced by long fighting to 600 men, all of whom are covered with honourable wounds, have been obliged to capitulate with the Turks, and seek an asylum in Cephalonia. But to balance this disadvantage, the arms of the Greeks are gradually gaining an ascendancy in every other quarter. There is no longer a doubt that the Turkish force in the Morea is annihilated, except the garrisons of three or four fortified places, which the ensuing winter will starve into capitulations. Maurocordatos has gained some advantages in Acarnania; Bozzaris and Odysseus have resumed the offensive, and, according to some accounts, taken Larissa, the capital of Thessaly. In Crete, it is confidently stated, that the Sphaciotas reduced Canea, the second town in the island for strength and population. What is not of less importance, the Albanians are said to have deserted the party of the Turks. It is pleasing to observe, too, that the courageous and persevering efforts of the Greeks are compelling even their enemies to treat them with respect. Their deputies have approached Verona, and, it is understood, will be received by those Holy Allies who lately spoke of them only as rebels or brigands. But what is still more surprising, accounts state, that the dignity of the Sublime Porte has at length stooped to negotiate with its rebel subjects. Chourschid Pasha has proposed a truce for six months, which the Greeks feel themselves strong enough to refuse, unless upon terms which will give them manifest advantage. If our readers will look back to the flourishing periods of Ottoman power and pride, they will find that the Sultans often disdained to connect themselves by treaties of peace with those Christian powers, against whom the Koran enjoined eternal war. Hence, to reconcile their interest with their faith, they closed their wars by *truces* for ten, twenty, or thirty years, in which, under a different name, the very same stipulations were made as in a treaty of peace. We are far from thinking, that the Porte is sufficiently humbled to yield up to the Greeks the independence they fight for. But the very proposal of the temporary suspension of hostilities to men who are at once infidels and rebels, shows the extreme state of difficulty and embarrassment in which the Porte finds itself. We beg our readers to remember, that from the loose hearsay manner in which the news from Greece often reach us, all the statements alluded to may not be true to the letter. We consider them rather as showing the course of events than as an accurate detail

of what has happened. Considered in this light, they derive a striking confirmation from the expressive silence of the AUSTRIAN OBSERVER, who scarcely ever speaks, except to relate the successes of the Turks. In a very short time the winter will put an end to the contest for three or four months, and if it does not give the Greeks some advantages, will at least enable them to keep what they have got. Before hostilities recommence in the spring, the Greeks will have been two years in arms. Those who were most incredulous with regard to their vigour and perseverance must allow, that this circumstance forms a strong presumption in favour of their ultimate success. But when we recollect that they have already taken a number of towns, annihilated one considerable army, and many smaller bodies of troops,—beat the Turks in many combats by sea and land—and possessed themselves, with the exception of a few fortresses, of a country half as large as Scotland, we cannot but indulge in sanguine hopes, that the Ottoman sceptre is broken for ever in Greece. In the twenty months which have elapsed since the revolution began, it may be presumed that 50,000 Greeks, and as many Turks have perished. Had the war been carried on, as the AUSTRIAN OBSERVER falsely states, by a few turbulent Chiefs, such an expenditure of blood would have brought it to an end long ago. Nothing could more clearly shew that it is truly a national movement, and it will and must have the issue which such wars have invariably had. The Turks, who collect men from the distant parts of a wide empire—organize, equip, and march them in masses, at a great expense, into the midst of the Greek population, where they produce a momentary impression, but in a few months melt away by disease, desertion, famine and the sword, as BONAPARTE's armies did in Spain, and as ours did in America. Before the Pasha has got his victory announced in the metropolis, and another horse's tail added to his standard, the instrument which gained it has disappeared, and he must seek refuge in a strong hold, till a new levy, at a ruinous expense, replaces him in a condition to combat. The war in Greece is, in fact, the contest of an army against a people—of an artificial, costly, and perishable force, against one which fights at a small charge, and has a perennial source of renovation within itself. Honour to the brave Greeks. By their courage and patriotism they are achieving a great good for themselves; and by the brilliant example they hold out, they are adding force to that holy flame of liberty, which is destined, at no distant period, to chase political fraud and tyranny from the soil of Europe.

*Mr. John Walter and the Duc de Blacas.*—Mr. O'Meara in his letter in the MORNING CHRONICLE, respecting the droll correspondence between Mr. John Walter and the Duc de Blacas, alluded to the difficulty of finding the said John, and described his residence as "a kind of rabbit habitation, with no less than three entrances, so that when even a sound is heard at the one, the poor little animal can pop out at the other." To obviate this difficulty, Mr. Cobbett, in his REGISTER of last week, offers to Mr. O'Meara alone of a curious description. "I have," says Mr. Cobbett in a letter to the surgeon, "a brace of spaniels, and I can get you a couple of ferrets from a friend in Sussex; and if he escape from these, then you may say with Macduff,—'May he escape the devil too!' If he have a thousand holes, these little fellows will have him. You can muzzle the ferrets, and the spaniels are re-

ry tender mouthed."—Still Mr. Cobbett begs to inform Mr. O'Meara of another kind of danger from the aforesaid John, of which he may not be aware. "In America, there is a little animal called a *shunk*, which has no defence but its offensive odour. When attacked, it throws from certain parts of its body matter, which, if it reach your garments, condemns them to the flames; and if it alight on your skin, condemns you to banishment from the society of all human beings for some time. So horribly offensive is this odour, and so terrified are the people at the thought of getting it attached to them, that hunters, when they find that their dogs have disturbed a *shunk*, instantly quit the sport, and gallop away with more haste than from a tiger." Mr. Cobbett, therefore, counsels Mr. O'Meara to beware, lest, in his laudable indignation, he should ferret out a moral *shunk*.

**Nefarious proceeding at Lancaster.**—We entreat our readers to reread the report of the application to the Court of King's Bench, in the affair of Ridgway, and to the language which even the Chief Justice applied to the nefarious proceeding at Lancaster. "Oppression" is the epithet applied to it—and thus a number of well-meaning but simple people are supplying funds for a set of equivocal lawyers "to oppress." We truly rejoice at the thorough exposition of principle and practice afforded by this application, which was evidently of such a nature as made defence stick in the throat of the Society's Counsel, like "Amen" in that of *Macbeth*. It is possible to make allowance for the alarm of a few Ultras leading them to the support of the theory of the miserable Junta conducting this "Concern;" but if they are not disgusted by the practice, we must attach to them something more than a mere ignorance of the elements of Constitutional principle and policy, and regard them as the willing abettors of the maxim, *per fas et nefas*—doubly vile and insidious, when practised in the affected pursuance of justice; and little less than atrocious, when exercised in the confidence that poverty will be inadequate to resistance.—*Traveller*.

**Mrs. Garrick.**—This venerable lady, it is said, visited Westminster Abbey about a month ago, and addressing the clergyman, who attended her, she said—"I suppose there is not room enough for me to be laid by the side of my dear David?" The clergyman assured her that there would be room enough. She then said with an air of pleasantry—"I wish to know, not that I think I am likely soon to require it, for I am yet a mere girl, but only for the satisfaction of my feelings against the time when I must submit to the will of Heaven."

The anglers who have often personified "Patience in a punt," will recollect two stately willows on the lawn at Hampton, rendered sacred by the temple appropriated to Shakespeare: they were planted by Garrick; and in the midst of a violent storm, which proved fatal to one of them, Mrs. Garrick was seen running about the grounds in the wildest disorder—"Like Niobe, all tears," exclaiming—"Oh my Garrick! my Garrick!"

The following letter, tho' of old date, will be interesting to the numerous friends of Sir John Malcolm.

**Zante, March 13.**—(Extract of a Private Letter.)—"Last month two others, with myself, went to Alexandria, for the purpose of preparing an ascent to Pompey's Pillar, which is ninety-seven feet high, twelve feet square on the top, and twenty-six feet in circumference at the base. We first made a kite ten feet long and of proportionate width, and mounted soon after day light on the morning of the 16th, having a down-haul from where the fly line was fastened, which, as soon as the kite was over the Pillar, we drew downwards, and hauled over a deep sea line, joined to a coil of 2½ inch rope, and to that the hight of a 4½ inch answer; we next set it up with luff tackles to an old gun, left there 20 years ago, by Sir Sydney Smith, and sparred it down with boarding pikes, we then mounted to the top with a dram in our pockets, piped to breakfast, and drank to our friends at home. Soon after, Capt. Hamilton accompanied by General Sir J. Malcolm, who came with us from Malta, and was just arrived here through the deserts of Arabia, came and ascended the pillar, and on leaving us, we gave them three cheers, which they politely returned. Eighteen of us afterwards dined on it in high style! The whole of our band next

occupied our places, and played *God save the King, Rule Britannia, Battle of the Nile* (which celebrated river was in view) with many other loyal and appropriate tunes, and drank to the health of George the Fourth with four times four. Before we unrigged it, upwards of six hundred persons had been on the pillar and gratified their curiosity.—*Bombay Courier*.

**From the Chilian Papers.**—In September accounts reached Santiago, from Mexico, stating the special Mission of Colonel Cortes to the United States, the object of which was to prepare that Government for the reception of Elizalde the expected Ambassador, who was to leave Mexico in Company with Colonel Bradburn of Virginia U. S.

Colonel Cortes takes orders from Government to procure a sufficient number of vessels which are to be chartered for the purpose of conveying 7000 Spanish Prisoners to the Hayannah: it seems these men have been kept for a long time disarmed, and Government finding their annual support amounted to upwards of 200,000 Dollars, have taken this very wise measure, by which the Nation is relieved of a great burthen, and these unfortunate men are restored to their Country and Families.

Despatches has been received at Santiago, from Columbia, announcing the total defeat of the Royal Battalions of Arragon, Cataluna, and Pasto, by the Republican forces, commanded by General Torres, the loss sustained by the patriots was very considerable, owing to the strong position occupied by the Enemy, who from the height kept for some time a most destructive fire; till it was resolved to advance, and drive them at the point of the bayonet; which was instantly executed with the greatest gallantry by the Battalion of Bogata, and Rifle Corps who were led by Colonel Ramirez, and Lieutenant Colonel James Wright, the Battalion of Arragon were dislodged; the same happened on the other side of the height which was defended by the Battalion of Cataluna, the Enemy then seeing their best hopes were vanished began to disperse, and, after continuing for some time a straggling fire, were obliged to surrender.

The Official Account says "great praise is due to General Torres, who was severely wounded; Lieut. Colonels Wright, and Sands gave the most convincing proofs of the great interest they take in accomplishing the Independence of this Country; and tho' Foreigners, they felt proud in rendering themselves conspicuous, by daring the most imminent dangers that can be conceived; the same enthusiasm occupied the mind of every Combatant, who seemed anxious to shew the enemy, in this last struggle, what men can do in defence of their Country so iniquitously assailed; such deeds cannot be effected but with the effusion of blood, and I am sorry to say, that the loss sustained by us in this contest, fully exemplifies this assertion; in the number of the brave who fell, the name of that distinguished Officer, Major William Featherstonough is inserted, this Officer, in the act of leading his men received the thrust of a Bayonet close to the heart, which almost instantly terminated his glorious career, in him this Country has sustained a most lamentable loss. He was a Native of England, and one of those who joined the Irish Legion under Devereux."

The 18th September, being the Anniversary of the Chilian Independence, was celebrated with much enthusiasm. Public Dinners were given, and all places of amusement were thronged with Spectators—the Editor of the Chilian Ministerial Gazette remark thus: "if there were any doubts as to the benefits so freely enjoyed by the people of this Country through the wisdom and patriotism of their rulers, these ought to cease for ever, after the demonstrations of joy marked the happy yesterday; the many charitable donations that were bestowed to laudable Societies, the public dinners given to the poor, and the unanimous tribute paid to our most holy Religion, sufficiently evince that the seeds of virtue, and honour which were sown at the time of our regeneration, have not fallen on rocks, but on good and fertile soil, and we hope that these two noble sentiments may never be effaced from the minds of our Countrymen."—*John Bull*.



Wednesday, May 7, 1833.

—83—

### Lord Cochrane's Defence.

The following, printed from the Manuscript transmitted from South America, is Lord Cochrane's Vindication of himself from the charges preferred by General San Martin against him, as published in the JOURNAL of Monday last, May 5<sup>th</sup>, (pages 57 to 61), which we recommend to particular attention, as throwing vast light on the Politics of South America.

#### A LETTER FROM LORD COCHRANE TO DON JOSE DE SAN MARTIN.

IN ANSWER TO CHARGES EXHIBITED BY THE LATTER.

"Jamne vidus bellum, jamne sentis, qui sit hominum querela frontis tui. Oculi supercilii, frons, vultus denique totus, qui sermo quidam tacitus mentis est, hic in errorem homines impulit hic eos, quibus erat ignotus, decipit, fefellit, in fraudem, induxit—Abripiisti ad honores errorem hominum."—CICERO.

To His Excellency the President of the Congress of Peru.

SIR,

I have the honor to transmit through you, to the Sovereign Congress, a Copy of a Letter addressed by me to Don José de San Martín, translations of which into different languages I have forwarded to Europe and to North America, to be there issued through the Press to the whole civilized world. Mankind will then cease to accuse the Peruvians of ingratitude. They will no longer wonder that the Imperial Crown was withheld from their Protector, as the reward of labors in the cause of Liberty. They will applaud your resolution to select from among the most enlightened of your Citizens, men capable of leading to true Liberty, Independance, and Prosperity under the rule of law.

Be pleased to request, in my name, that the Sovereign Congress may deign to deposit in their Archives, that Letter and the Charges thereto annexed (which were preferred by Don José de San Martín, to the Chilian Government, relative to my conduct in Peru) in order that a record may remain of facts, when the Actors shall have passed from this scene, and until the even hand of Time shall poise the scale of Justice, apportioning to all the due measure of approbation or reproach.

May the acts of the Sovereign Congress, and of the executive Government of Peru, be such as shall call forth the admiration and secure the love of Mankind, is the prayer of

Your Excellency's obedient humble Servant,

Valparaiso, Dec. 12, 1822.

COCHRANE.

LORD COCHRANE, VICE ADMIRAL OF CHILI, TO  
THE INHABITANTS OF PERU.

PERUVIANS!

Gentle in your manners, you have shown yourselves lions in courage and in strength: you have done your duty to yourselves and to mankind. Your fortitude under oppression, your promptitude of decision, your resolution in the hour of danger, are equalled only by your magnanimous moderation in the glorious victory you have gained over the basest tyranny that in modern times, has been attempted to be raised. You have done a glorious and immortal deed: you have broken the Iron sceptre; you have freed yourselves from the horrid yag of human bones that choked the utterance of your griefs at worse than inquisitorial oppression.

I am gratified, Peruvians! at the thanks which, through your representative, you have been pleased to decree to the Naval Service and to myself; and the more so, that these were voted at the earliest moment after the tyrant's flight. To accept this offering of Freeman, I feel to be an honor; while the receipt of titles, decorations, and estates, the wages of subserviency at the hand of a Despot, I have ever held to be degrading and disgraceful.

The sentiments and feelings of my breast in acknowledgement to you can be most surely exemplified by the tenor of my future conduct. Let the test then, be my adherence to those principles of rational liberty which you so nobly assert, those principles which I have ever avocated, and which (it is the pur-

pose of my heart to maintain with all my energies to the latest period of my existence.

Valparaiso, Dec. 1, 1822.

COCHRANE.

TO DON JOSE DE SAN MARTIN.

SIR,

Valparaiso, Nov. 19, 1822.

The Document No. 5, bearing date March 11, † 1822 left by the Peruvian Legation in the hands of the Government of Chili, and consisting of a series of unfounded accusations against me, has thus long remained unanswered, in compliance with the wish of the said Government, who, considering the injurious political effects which sometimes proceed, from controversies of this nature, between parties who ought to have in view no other object than the public good, were desirous that your accusations should experience as little attention from me, as they appear to have done from themselves. And if the document in question, though it purports to emanate directly from you, had been confined to their perusal and mine, it would certainly never have drawn from me any public reply; but now that I find it has been deemed necessary, in furtherance of your views, that your Legates should circulate copies of this Document even as far as the Brazils, an act, which from my knowledge of the prudence of those Gentlemen, I am certain they would not have risked, without your express authority, I can no longer forbear from doing this public justice to my own character, especially as under present circumstances, it can be productive of no ill effect on the public mind. I shall at the same time, for the sake of candour and perspicuity, put into print the accusatory Document itself; of which throughout the whole of my reply, I shall of course consider you as the author and original Publisher, and your Legates as only your instruments in formalizing and circulating the like.

I shall pass over the compliment to your "lenity and constant moderation", and some preliminary observations which appear to be only words of course, and have no distinct tendency to criminate myself. And as you omit to specify the terrible evils to which you say my negligence exposed the Liberating expedition from the moment of its sailing from Valparaiso, I shall pass them over too; not because I suppose, as you pretend to do, that they are already sufficiently manifest to the Government of Chili, but because I may fairly infer, from the tenor of the whole Document, that had they existed you would not have failed to set them forth. I shall begin, therefore, where you profess to begin with our arrival at Pisco, the period of opening the Campaign, a moment which you may be supposed to have artfully chosen, in the hope of leading the reader to contrast the celebrated security with which you conducted military enterprises, with the danger to which you assert the whole expedition was exposed while under my professional controul. A few instances of your extraordinary prudence as a military man, both at the opening and during the campaign, I shall take occasion to state by-and-bye. As to the reasons which induced the Government of Chili, to give you private instructions as a check upon my conduct, you having in no way explained this further than by a pretended conjecture which you knew to be unfounded, it is sufficient for me to state, what I have since learned, that those instructions were granted you chiefly at your own instigation, which you exercised from an apprehension that my supposed anti-monarchical principles, if left without restraint, might operate materially against your ambitious views.

I shall now proceed at once to your more direct accusations, the first of which relates to a quantity of *aguardiente*\* which was shipped from Pisco for the use of the Squadron, and which you say (falsely I am sure) I declared was sufficient for 14 months, and you add that the O'Higgins (my flag ship) had more than any other vessel; and then you say, that before two months had expired I asked for a further supply, whence you infer, or insinuate at least, that I disposed of the greater part of it in an improper manner. Now this is what I could not probably have done without subjecting myself to the displeasure of the seamen, who must necessarily have been the instruments of the transshipment, and who were not at all likely to submit quietly to be deprived of their grog, however patiently they might for a time bear the

\* The common name for ardent Spirits.—† It is dated March 18<sup>th</sup>, vide JOURNAL of the 5<sup>th</sup> instant, page 57.

withholding of their stipulated salary and promised rewards; the ultimate consequences of which breach of faith on your part, cannot have escaped your recollection; though the warning which I gave you in the letter, that I wrote you on the 2d day of your Protectorship, may have been obliterated from your memory by the adulatory addresses which in that letter I told you were presented by "the servile in all countries to the most base in power." "Think not, I added, it is to the person of San Martin the public are attached; believe not, that without a strait and dignified course, you can obtain the admiration of mankind." I should not gravely have recommended this honourable line of conduct to you, had I been conscious that you could with any truth have replied by accusing me of such unworthy actions as those which you have now the baseness to lay to my charge. There was no further supply of *aguardiente*, applied for until the month of February, being five months after the receipt of that sent to Pisco, and the ship which had the most was the *INDEPENDENTIA* and not the *O HIGGINS*, which had less in proportion than any other ship. The quantity of spirits embarked was not too much for the Squadron during that period, unless indeed the thousands of jars embarked by and on account of your relation, D. Jose Saraatea, was surreptitiously placed to the account of that expenditure. To appeal to the whole Squadron respecting the due expenditure of the spirits, is sufficient to acquit me of this contemptible imputation. Besides, you cannot have forgotten that I refused half a store house full of that very article which you offered me for my own use.

Your next charge is, that in the letter in which I communicated the capture of the Frigate *ESMERALDA*. I informed you that there were found on board that vessel, rope and other stores sufficient for two years; and yet that five months afterwards I complained that the vessels and crews were unable to continue the blockade, the vessels for want of sails and rigging, and the men for want of clothes. Hence you do not hesitate to infer, that I must have sent the rope and stores taken in the *ESMERALDA*, to Guayaquil, to be there sold for my own benefit! to this most audacious and infamous accusation, I answer, that I did not tell you in my letter that the rope and stores in the *ESMERALDA* were sufficient for the whole Squadron for two years, as you insinuate by means of your imperfect quotation, but that there was a sufficiency for that particular vessel for that period; therefore, when it is considered that the Squadron consisted of eight vessels, destitute of stores, it is not at all surprising, that those of the *ESMERALDA* were expended in five months, and as to clothes for the men, I never communicated that there were any found on board, for, in truth, there were none. In short, the whole Squadron knows that this accusation, like the former, is totally destitute of foundation; and you, while in the act of inventing it, must have been conscious of its falsehood, but, were it otherwise, you of all men ought to be the last to complain, as you have never yet fulfilled your engagement of rewarding the Captors by paying them the value of that vessel. Nor is that all; for you have actually retained the 50,000 dollars which you levied by way of retaliation on the individual Spaniards who had offered premiums for the capture of the Chilean Frigates, and which you promised as a boon to the Captors of the *ESMERALDA*.

Your next accusation, which you describe to be of the same kind, as indeed is the case, it being equally false,—is, that in a letter written from the coast of Intermedios, on the 11th of May of the preceding year, I told you that without any expense to the Government of Chili, I had obtained, (as duties for debarkation in the ports under my authority) from the English ship *ADMIRAL COCKBURN*, at Arica, all the cables, rope and canvas that the Squadron wanted; and that I gave you an account afterwards (in a letter of the 16th August,) of 5,293 dollars (including commissary) paid for those articles, besides the sum of 12,675 dollars for clothes for the seamen, which I did not deduct from the seamen's wages in the account which I afterwards sent to the Government of Peru. You therefore infer, that I must have been guilty of a fraud in making these charges. In this case it would be sufficient to refer you to the officers and crews of the *ADMIRAL COCKBURN*, and especially to the two supercargoes, one of whom, though it was at

his own written request that I received the duties for my license to land his goods, afterwards complained to Sir Thomas Hardy, of my so doing; but I had the pleasure of convincing Sir Thomas, of the perfect propriety of my conduct. They will inform you, that the value of the cordage, rope, and sail-cloth, received, amounted to upwards of 25,000 dollars, while the per centage demanded as duties, was less than 21,000, and that the 12,675 dollars, for clothes, together with the balance of the other account, was actually paid to them in hard dollars. If you doubt their word, you may refer to their hand writing, the original receipts for both the sums in question being deposited in the office of the Accountant-General in Santiago. That I did not deduct the 12,675 dollars for clothes from the pay of the seamen due by Peru, was because the amount never did belong to the Peruvian Government, and therefore it was not my duty to place it to their credit, but to that of the Government of Chili under whose flag I served. You next accuse me of having the audacity, for so you have the politeness to term it, to charge 4,000 dollars as money due to Captain Wilkinson and the crew of the *SAN MARTIN*, on account of the Government of Chili for the vessel *VICTORIA*, which was a prize converted into a fireship for the service of Peru, and burnt at Callao. My answer is, that independent of the obvious justice of the claim, I had the positive authority of the Chilean Government in writing, for this disbursement, out of the first proceeds of Prizes that should come into my possession.

I do you the justice to believe, that had you possessed the funds out of which I made the disbursement abovementioned, you would have disposed of them in a different manner, and therefore I do not wonder that you should feel doubt, and express surprise, and even indignation, at my having applied to them to such uses. I also believe, that you, who represent me as being solely influenced by avarice, would not, had you been in my situation, have consented to receive as duties from the Ship *ADMIRAL COCKBURN*, the cables, cordage and sailcloth in question; but would rather have adopted the more lucrative course of actually seizing the vessel, she being laden in port, with naval stores; and contrary to the law of civilized nations, which forbids breaking bulk in case of seizure prior to condemnation, of which you and your Government appear to be ignorant, you would have taken away the stores, and then have sent the vessel, with half a million of dollars, to your Confiscator General for adjudication.

I now remind you of a circumstance which I wonder you did not introduce into your list of accusations, namely, that I refused to deliver into your hands either the Government shares or the army share of the money taken at Arica, though demanded by you on the quarter-deck of the schooner *SACRAMENTO* on the 9th day of July 1821, and subsequently on different occasions. You had no right to one shilling of that money; but it was to prove to you that even if you had a right, it neither ought to be, nor would be delivered, that I gave you an account of the sums due by you to the Squadron under the heads of half-freight of the *VALDIVIA*, freight of the *POTRILLO*, and freight of the *AGUILA* (which items are the next in your string of accusations) for these three together amounted to more than the sum of your pretended claim; and not one shilling of these sums has the navy been able to obtain from your justice, even to the present hour. It was on account of your conduct and that of your Relation Saraatea, whom you protected in violating his Bond for the payment of freight, that the money was seized which that individual had placed on board the *PEARL*, (which is your next article of charge;) and though with your usual veracity you accuse me of detaining that money, notwithstanding I informed you that I transmitted it immediately to the Government of Chili. I consider it only necessary to refer to the Government itself for proof of the falsehood of that accusation. The money has since been restored to its proprietors, as it afterwards proved not to have belonged to Saraatea, but to have been placed under his name, because he was the only person who could procure from your Government at that period, the Passports and Baccots required. I may add here, that I thought I had sufficiently guarded against any imputation of self-interest in the above transaction, by voluntarily relinquishing my share of the freight of the *AGUILA*, before I had recourse to the seizure in question, which was only intended to compel your said relation



## LORD COCHRANE'S DEFENCE.

—85—

to fulfil his engagement for the hire of that vessel. As to the freight per ton, on which you reflect, I may observe in regard to the VALDIVIA (formerly EMERALDA), which was a Ship of War, using stores of all kinds, which were never paid for, that had I charged twelve dollars instead of eight, (which you allege) it would have been nearer the mark, but the truth is, I charged only half freight, or four dollars per ton.

In the next place you are pleased to quote a letter of mine of the 30th of July 1821, in proof of the unreasonableness of my demands on the Government of Peru, for monies necessary for the Naval Department, and you call upon the Government of Chili, to remark with what injustice I required the arrears of the seamen's wages from Peru, which were due, as you say, from the Government of Chili only. On this I have to observe, that my being perfectly aware of the large sums, owing for the expedition from the state of Peru to that of Chili, which I had the honor to serve, would have justified me in making the demand or application in question, even if I had not known that you had entered into solemn engagements to pay every item, and that the debt was occasioned solely in the endeavours to liberate Peru.

It would be surprising to me, were I not now perfectly acquainted with your character, that instead of proceeding methodically with that class of accusations, which, if they had not been false, you might be justified in preferring, the series here should be broken for the purpose of exposing my private letters, and thereby to induce the Government of Chili to believe, that I had written of them with disrespect. You ought to have known that private letters are ever held sacred, except when they contain some treasonable or other matter, dangerous to the State, and the withholding of which would be a breach of that allegiance and of that oath of fidelity, which I at least have not yet broken to the State of Chili. Besides, you have not even had the decency to quote correctly, for in the Letter of August 5th you have supplied the blanks in the original with names at length according to your own fancy. With respect, however, to this last mentioned letter, I may add, that Time, the great test of Truth, has demonstrated the justice of my opinions. I believe that you have some reason to consider that I am somewhat of a Prophet, for on the first day of your Protectorship, I told you all that would happen to yourself, and not content with stating it in conversation, I wrote you on the following day, (the 5th of August), that letter from which you only give one quotation, but from which I shall give several in the course of this Paper, as in the hurry in which you left Lima, you may perhaps have omitted to bring the original.

The long quotation from your own letter of the 9th of August, in which is the bare-faced falsehood that you never engaged to pay the seamen their wages, I shall purposely omit to remark upon, because what you promised and what you denied, are alike unimportant, and were so considered by me at the time, as well as now, that I have had full proof that you never intend to fulfil one of your engagements. The next quotation from your Minister of Marine's Letter of the 13th, which I know was written by your order is for the same reason unworthy of remark.

In the next place you refer to the conversation which I had with you on the 4th day of August, the day on which you assumed the Protectorship, and you deny having uttered in that conversation the expressions which I imputed to you, which expressions were that you "never would pay the Squadron of Chili unless it was sold to Peru," to which you added, "and then only as part of the purchase-money." My imputing to you those expressions you term an atrocious calumny, and I term your denial of them, a falsehood, and your attempt to substitute others in their place, a miserable subterfuge. Let me remind you that I replied that you would then have the Squadron of Chili for merely paying the wages of those officers and seamen who had served you for a twelve-month: that you then chose to be exceedingly warm, and informed me you were Protector, of which I knew nothing, and you ordered the Ministers Montegudo and Garcia del Rio, then present, to retire; that I insisted on conversing no longer on such a subject, in a language in which I could not express myself without imminent risk of giving further offence to you in your new and exalted capacity, that I told

you I would speak no longer in Spanish, nor otherwise, than through one of those Gentlemen who understood English, and I requested that Mr. Montegudo might remain as my Interpreter. It is fortunate for me that I thus secured a witness to what passed on the occasion. Indeed, if Mr. Montegudo should be found capable of denying the truth, as you have done, I should, then and not till then, believe him to have been personally guilty of those bad acts for which he was turned out of the government, but of which I at present believe that you were the sole author.

It was the conversation above mentioned to which I alluded in my letter of the following day,\* in which I say to you, what would the world say were the Protector of Peru, in his first act to cancel the bonds of San Martin, even though gratitude may be a private, not a public virtue. What would they say were the Protector to refuse to pay the expence of that Expedition which placed him in his present elevated situation. What would they say were it promulgated to the world that he intended not even to remunerate those employed in the navy, who so much contributed to his success! It was also in reference to this conversation, and particularly in allusion to the adulatory addresses which I perceived had intoxicated you, and to the timidity of the Minister who made no observation on your professing a desire to possess yourselves dishonestly of the Chilean Navy, that I warned you in my said letter, that "flatterers are more dangerous than the most venomous serpents, and next to them are men of knowledge, if they have not the integrity or courage to oppose bad measures, when formally discussed or even when casually spoken of."

I agree with you that it "scarcely appears conceivable that you could have made such a proposition," and I should not have believed that one of your Legates, who was present at the conversation, would have put his name to a Paper, denying by your authority the truth of the fact, if I had not seen the original. It is equally wonderful that the other Legate should gravely unite in signing the same solemn assurance that you "never uttered the expressions" in question, and that they were "maliciously invented by me," although he was not present; and not less astonishing that the same absent Gentleman, should consider himself qualified to join in averring, that the only thing which you said on the subject in the course of the conversation, was, that "perhaps it might be to the interest of the Government of Chili to sell some vessels to Peru, which wanted them for the protection of her Coasts." This is a most miserable attempt to alter or soften down your language on the occasion.

But why even want to purchase vessels to guard the Peruvian Coasts, if, as you acknowledge in the preceding sentence, the Government of Chili at all times consecrated its Squadron to the furtherance of the public cause in Peru. The truth was, you no longer served Chili in the character of her General, but had that day set yourself up as an independent chief, having opposite interests, and views now sufficiently notorious.

From the destitute condition in which you suffered the Squadron to remain, leaving it without even the provision necessary for its subsistence, though your means of supplying the required relief were infinitely augmented by your new power as Protector, it was clear that you considered there were other means of obtaining a Squadron than by purchase. And as famine occasioned the abandonment of the LAUTARO by her crew, so would the rest of the Squadron have been abandoned, if I had not remained on board, as I informed you in my letter of the 12th of August (on which you next proceed to animadvert,) "with a view to guide the tempest which I saw forming." And though you are pleased to endeavor to turn this into ridicule, and to make it appear that I directed "the tempest" to an evil purpose, yet I am quite satisfied that the rest of the world will give me credit when I say, that I at least desired to preserve the Squadron, and not as you preposterously alleged to accelerate its dismemberment. If, indeed, instead of finding the means of quieting the people in the manner I did, I had permitted you to place the ensign of your usurped authority over the Squadron of Chili, as you so anxiously

\* The conversation was on the 4th of August, and my letter was written on the 5th. In the accusations these dates are improperly reversed.

ously desired; or if I had suffered the people to carry forth the vessels to commit piracies on the high seas, in order by such means to relieve their necessities, and to obtain an equivalent for that which was so justly their due from the Peruvian Government, I should indeed have accelerated the dismemberment, and have caused both the disgrace and destruction of the Squadron.

I should in either of those cases have proved myself a much more mischievous or incompetent director of a "tempest," than any one (you and your Legates excepted) will now accuse me of being.

Your "bounteous decree" of the 15th of August, as you pompously and ludicrously term it, inserted in your Gazette of the 17th, and containing a renewal of your promises for the payment of the Navy, would have been viewed in the same light as those which had preceded it, even if you had not been so particular in specifying the source whence the payment was to be derived; but as that was to be only one fifth of the revenue of the Custom-house, and to be divided with the army, and as the seamen were aware of the nature of that division, it had an irritating, instead of a tranquilizing effect. Besides, the officers conceived your gazetted them as officers of Peru, without their own consent or that of this Government, was an indication that you thought them capable of violating that oath of fidelity, which they had taken in common with yourself, and therefore they considered it an insult. So that in fact it was this "bounteous decree" which in a great measure "fomented their discontent," and not my inflammatory conversations with them, which you so impudently and falsely lay to my charge. It may however be true, that my language became less moderate, as well it might; although it is no less true, that my note of the 1st of September, whence you say you inferred "that the tempest so long announced was ready to burst," was not my own language, but a correct representation of the sentiments of those under my command. As to the offer contained in your reply of that date, in which you promised to pay all that you had previously refused, "as soon as the funds of the state would permit," it was evident at the time that it had just as much sincerity as any of your preceding promises; and that it had no more, has since been proved in a manner which I defy all the sophistry of your Legates, and your own ingenuity to refute.

We now come to that memorable feat which you say will render my name for ever detestable: a feat in which I rejoice more than in almost any other act of my life: not only because it has saved me from the mortification and disgrace of appearing to be a dupe to a man like you; but because it was the first blow to that despotism which you had begun to rear, and which has since been so completely overturned by the gentle but determined Peruvian People.

Now, without entering into the question whether it was prudence or fear that induced you to embark the money in Transports and merchant Vessels at Ancon, and without caring to refute your assertion that there was no vessel of war there in which you could have embarked it, though the LAUTARO of 44 Guns was then in the anchorage, I shall at once go to that which is the most interesting question, namely, whether the steps which I took in respect to that property, were dictated by avarice or a sense of duty. You assert that I took all the money which was in the Transports without excepting that of private individuals. We are at issue upon this point, and I run no hazard in staking my veracity against yours. For instance, I did not take 40,000 dollars belonging to Mr. Ramirez, who had a permit for its embarkation. The whole of the money claimed by the Commissary of the army amounting to 40,000 dollars more, I left untouched, though you assert I took possession of it. I left the whole of that immense sum which I considered to be your private property, in the Schooner SACRAMENTO, which had cast out her ballast to stow the silver, and which, besides uncoined gold, had seven arrobas of ounces, equal to four mule-loads, brought down by your Legate Parionisso, whose return load consisted of smuggled goods from the Brig REBECCA. Besides these sums, which I actually

left untouched, every particle of property belonging to individuals who could prove their claim by any document or Pass, was immediately restored. The amount of the sums so given up, exceeded 40,000 dollars more, and original receipts for the same have been delivered to the Accountant General. In short, I took no money, but public money and smuggled money; applied it to no other purpose than that of paying the officers and seamen of the Squadron one year's pay, and you well know that I left my own claim entirely out of the account, and did not pay myself one dollar. In your accusations, you ascribe my conduct on this occasion, as on all others, to sordid avarice, and yet I repeat that you well knew when you made those accusations, that I did not benefit myself by the act in question, to the amount of one Real: though I might with perfect justice have paid myself as well as the rest. This, then, is a fresh instance of your propensities to prefer accusations which you know to be false.

In your next paragraph, or next but one, you quote from my letter of the 20th September, representing me as saying, that although the money was on board, the people were in a state of mutiny, and that I desired a remedy to be applied; whence you are pleased to infer, that this insubordination, was the effect of my example in seizing the money: whereas you well know it was the effect of their being still unpaid, I having deferred the payment in the hope of its being made by official order, which was the remedy for which I applied. Then comes another instance of your total disregard of truth. In order to infer that the seamen were not dissatisfied with your conduct, and that my object in making the seizure was not the payment of their wages, you assert that many of the seamen, and especially those belonging to the O'Higgins, abandoned their ship after their return to Callao from Ancon, without being paid, and came to offer their services to the Government of Peru. The fact was, as you well know, the seamen in question quitted the O'Higgins after they were paid (but not before) as they had a right to do, having completed the period for which they were enlisted: that they went ashore, as is usual with sailors, to spend their money after their own manner: and having so spent it, your officers, acting under your new flag and by your authority, prevented their returning again to the Chilean Squadron, and put the first Lieutenant of my Flag-ship and others in jail for attempting to re-enlist them. This was so infamous an outrage, that I do not wonder at your endeavouring to cloak it, though at the expense of truth. You add that "this desertion does little honor to Lord Cochrane's veracity" by which I understand you to mean, that though I took possession of the money, I did not fulfil my promise of paying the men, who in consequence deserted, which is only a repetition of the falsehood which I have already exposed. And your next observation respecting what you are pleased to call my want of delicacy, in declaring that I had remitted money to Chili in the ARANSAGA, is strangely introduced in intimate connection with what goes before, with the view to all appearance, of insinuating that it was part of the money taken at Ancon, and that having withheld it from the seamen I had sent it to Chili on my own account: although you could not be ignorant that it was the money embarked in the PEARL in the name of your relation Sarra-tea, my seizure of which is the subject of one of your previous accusations, which I have duly answered in its proper place.

I do not understand that your next paragraph is meant as accusatory, for you there confess, that I requested your Commissary might be sent on board to attend the payment of the crews, which proved clearly my desire to commit no irregularity that justice or necessity did not require. Indeed, I was so desirous of avoiding the irregularity of paying the people myself, that I more than that once urged you to send your Commissary, which you persisted in refusing from a vain expectation that my dread of the responsibility of acting without him, would lead me to commit the folly of delivering up the money into his hands ashore, especially as you assured me by letter, written, as you say, in the "most conciliatory terms," that a year's payment should be made, provided the accounts were first drawn out with "all the formality required by the Regulations," a formality which would doubtless have been as tedious in Peru, as it is in Chili, and it



has now been in progress during the six months that the Squadron has been at Valparaiso without being accomplished; and also, provided I would save the honor of the Government by sending the whole of the money ashore: which, if I had been fool enough to do, you, I doubt not, would have taken care of the money, and have left the honor of the Government, as you always have done, to shift for itself.

As to the alleged conversation with your Minister of Marine, Monteguda, to whom I made no promise that was not conditional, I shall dismiss it by stating the simple fact, that as you had pushed me to the last extremity by withholding stores, provisions, pay and every necessary, and as immediately after such conversation, you had denied me even the anchors cut from the bows of the *ESMERALDA*, and that lost by the *O'HIGGIN's* in an attack on Callao, which anchors had been got up, and were at your disposal, I did not consider it incumbent on me to perform my part of the agreement, when it was become certain, from the continued hostility of your proceedings, that you would not fulfil yours. Notwithstanding such hostile conduct however on your part, you have the effrontery to say it was impossible to adopt a more conciliating line of conduct, or better calculated to conciliate the dignity and interests of the respective Governments, and you have no doubt the Government of Chili will be perfectly persuaded of all this. I, on the contrary, have no doubt that they are perfectly persuaded, it is I and not you, who have any claim to that praise which you solicit for yourself on this occasion.

You are angry but I am pleased, that I took the precaution to keep the document brought by the officers of the Mint respecting the property which they claimed, because it refutes the infamous imputation of embezzlement, which you found, on the falsely alleged largeness of the amount, which in a subsequent paragraph you are pleased to state at upwards of 400,000 dollars, though according to the document of the Mint, which is the best possible authority, infinitely superior to your word or even oath, the public money taken, amounted only to about 137,000. This of course does not include the 100,000 dollars embarked by contraband in the Ship *LOUISA*, for although you thought proper a month afterwards to claim this money also, as belonging to the Intendente of the Army, it had in fact never been in his charge; but was smuggled into the *LOUISA*, and I am in possession of a written declaration by the Captain of that vessel that he had no knowledge to whom it belonged. This money could not be better employed than in paying the seamen their wages, to which purpose, as well as the Mint money, it was faithfully applied. The whole amount taken, including the private money, was not upwards of 400,000 dollars, as you falsely allege, but 280,000 only, and nothing can be more infamously false than your statement, that out of the whole sum seized, I had paid according to my last communication, no more than 131,618½ dollars; when in fact, that report, so far from being the last, was made while the payment was in the course of proceeding, when many of the people still remained unpaid; but all of whom were paid, as they themselves will testify, as were also the officers (myself excepted) to the last dollar of the money seized, the private money excepted, which was restored to the right owners. You will recollect, that I entreated you at Callao, to enter into an examination of the accounts, and that you refused, for you well know that on the spot I could easily have refuted such calumnies as these, and you imagined, (in which, however, you find yourself mistaken), that they would operate against me more effectually in Chili.

One of the crimes, with which you are pleased to charge me, is the use of disrespectful language to you or to your Government, and you particularly instance my assertion, that "the money was on board ready for the payment, and the people were on board ready to receive it." Why so plain a reason for not taking the money on shore, should be offensive to you, is not my business to explain; but as my official situation is urged as an aggravation, I having been, as you say, an Officer under your orders, I rebut the latter part of the charge by repeating, that

from the moment you threw off your allegiance to Chili, by changing your flag, and constituting yourself an independent Chief, I was no longer under your authority as the Commander of the expeditionary forces.

You repeatedly urge, most pathetically, as an aggravation of my offence, in seizing money to pay the people, the circumstance of the enemy meditating an attack upon the capital. Why that which only proves that there still existed a necessity for the services of the squadron, should be a reason against their being first duly paid for services already rendered, I cannot possibly conceive, unless it was your object to keep the men poor, under the idea that men care least for life, when destitute of its enjoyments, and consequently fight best when they have nothing else to lose. Without positively denying that there may be some truth in this doctrine, the policy of it, in my humble opinion, is much too doubtful to atone for the injustice of putting it into practice. As much may be said in regard to the inhuman orders, which you afterwards sent to all the ports of Peru, forbidding the Chilean Squadron, the use of even the waste water of the rivers, or the superfluous fire-wood of the desert. As you next repeat the imputation of avarice, and even accuse me of a desire to seize indiscriminately the property of the Spaniards; it may be proper to notice a circumstance or two, which will put you in mind, that it was you, and not I, who contemplated the robbery of the Spaniards, though you had not the courage to execute your design, until you had disarmed their vigilance by a series of false professions. Have you forgotten that at Pisco you declared in my hearing, as well as that of others, that it was your intention to leave them without a shirt? Can you have forgotten what occurred on our returning together from the Theatre at Lima, on the 28th of July, how angry you were, when the people, who were saluting us with acclamations, omitted to couple the epithet "brave" with your name; and when I, in order to tranquillize you, made light of the distinction so provokingly made by the people, and said "These are a pack of old Spaniards General, who would bawl in the same manner if you and I were to be hanged;" have you forgotten with what vehemence you exclaimed in French, (for we were then speaking in that language), and repeated the exclamation, "Je les traiterai, dans la maniere la plus feroce!" It was in consequence of my knowledge of your real intentions, that I asked in my letter written on the day after you had made yourself Protector, "What political necessity existed for any temporary concealment of the sentiments of Government in regard to the fate of the Spaniards in Peru?" And in the same letter, alluding to your printed proclamation of promised security, I said, "Believe me, that after your declaration, even the seizing of Spanish property, belonging to those who remain, is an act, which ought not to be resorted to without crime on their part subsequently committed. In the feelings of my breast, no man can deceive me. Of the sentiments of others, I judge by my own, and I tell you what they are, as an honest man and as a Friend."

My opinion was, that one half of the enemy's property should be taken, leaving them the remainder. Your plan, after assuring them of protection, and selling them Certificates of citizenship, was to take the whole, and banish their persons; and accordingly after you had obtained one half of their property as the price of their permission to embark the other half, you caused the remainder to be seized, and hundreds of the miserable owners to be crammed into the prison-ship, the *MILAGRO*, where your soldiers on guard completed the work of deprivation, by fulfilling your declaration at Pisco. Some of the old men who were pitilessly dragged from their homes, and imprisoned; some in the crowded ship above mentioned, and some in another, in order to be transported to Chili, died of grief and ill-usage; but those who died, and those who were murdered on their passage, under a most questionable pretence of intended resistance, cannot in this world bear testimony to these atrocities; but of those who survived, and were brought to Chili, some yet live as witnesses of their truth. Of these acts, so dreadful and so atrocious, you were notoriously the exclusive authors. I sanctioned no such

crimes nor participated in such accursed gains; but I remonstrated against your diabolical proceedings, and yet you have the audacity to charge me with a desire of indiscriminate seizure, and to take credit to yourself for "a more political, generous, conciliatory, and useful line of conduct!" Why, you are worse than De Berenger! He did not pretend, not to have participated in that crime, of which he falsely accused me; but you, coolly attempt to saddle the whole load of your own guilt on my shoulders, and affect to strut off in a robe of perfect innocence. You pretend too, to have several Letters from me, confessing myself cruelly deceived, on finding that it was your intention to pursue a more generous and conciliatory line of conduct. Here again, you beat De Berenger hollow; for though he sent me many letters, containing accusations as false as those of yours, I do not remember that he ever forged letters from me to himself, or even pretended to have more than one letter of mine that I had never written.

Returning to your abuse of my conduct in the affair of Ancón, you falsely assert, that the Squadron was promptly succoured with whatever was necessary, as far as your limited resources admitted. This pretended prompt succour, however, was too tardy, or too slight to keep the people from starving, and the crew of the LAUTARO were literally starved out of the Ship. You ask if I was ignorant of the poverty of the Capital until the capture of Callao; and I ask in return, how much richer was the Capital after that event? Did not you suffer the enemy to walk away with all the property? You were ready enough at Lima to confiscate the property of the defenceless Spaniards, but the money at Callao which could not be obtained without fighting for, though very little was required, you relinquished without an effort. You talk of an order given to the Director of the Mint, to coin 150,000 new dollars for the navy, and ask what more I could want from a Government not two months old. My answer is, that new as the Government was, it was not without old money, and why was the Navy to wait for new dollars when the old ones would serve? This promise of new dollars was an old trick for so young a Government. It is not well to see infant Governments so over-shifty. They are apt to die before they come to maturity. You may remember that I reminded you, in my letter of the 5th of August, before quoted, that "The Rocks on which the South American Governments have chiefly split, have hitherto been, bad faith, and the consequence thereof, temporary expedients."

You say, that at length finding that neither your reasoning nor any other consideration, was sufficient to shake my determination, you wrote to me on the 26th of September, to inform me that I might pay the money as I pleased and give an account of it to my Government. On this latter point, however, you appear to entertain a doubt, and very earnestly, and with much simplicity, you entreat the Government to inform you, whether I have given in my accounts? And as they have not condescended, as I am informed, to give you an answer, and as it would be cruel to leave you in any perplexity on the subject, I cannot refrain from assuring you, that not only the amount in question, but all other monies that have come into my hands as Commander of the Squadron, have been duly placed to the credit of the Government of Chili, who are in possession of vouchers for every item of the expenditure.

It must be owned, that your Letter of the 26th of September, which authorized me, not only to pay the money as I pleased, but to keep the remainder (as you called it) in my own hands, accounting only to my Government, had a liberal appearance; and for some degree of liberality, I should really have given you credit after all, had it not been for a circumstance which took place on the night of that very 26th day of September, which led me to believe, that this apparent liberality was feigned for a sinister purpose. At midnight I received a message from the Galvino, informing me that your two Aid-de-Camps, Col. Pareissien and Capt. Spry, had just left that vessel and proceeded to one of the other ships, and so on afterwards, the Captain of the ARAUCANO brought me a paper which had been left for him by those Gentlemen, who were going about from ship to ship, distributing Copies of the same, and of which the object was, to

show that you and not I had the authority over the Squadron, and consequently that they were not to obey me but you; though you had hoisted another flag and placed yourself at the head of a separate Government. The conversation which these Gentlemen, in the course of their interesting midnight excursion held with the Captains of the respective ships of war, respecting Ranks and Honors, evinced that your munificence by night, was of a piece with your liberality by day, and directed exactly to the same purpose, namely, that of possessing yourself of the Squadron of Chili. At length, these instrumental Gentlemen, finding themselves detected, put the best possible face on the matter, and having come to the O'Higgins about one o'clock in the morning, the principal of the two, Col. Pareissien, requested an interview with me, which being granted, he begged to condole with me on the unfortunate difference which he said existed in consequence of my seizure of the money (a difference which had seemingly been terminated by your Letter of that morning;) and he then proceeded to express regret, that I should lose the finest Estate in Peru, which he, being one of the commissioners, had selected for me, an estate which he repeated exceeded all others both in beauty and value. He spoke too, of the highly honourable distinctions that had awaited me, and observed that the situation of Admiral of a rich and powerful state like Peru, was far more desirable than that of Vice-Admiral of Chili. As to Captain Spry, the inferior Aid-de-Camp, whom you had taken into your service, and to your table, and into your confidence, after he had been dismissed from his ship, by a sentence of a Court Martial, for disobedience of orders, and who, from a subsequent act of insolence, on which he had ventured as a fool under your protection, had reason to expect chastisement from me, he prudently remained in the boat during the period of this conversation,—a conversation, of which, the purport as I have above described, I make no scruple to consider as indirectly emanating from yourself as the copious fountain head of such wretched attempts at deception.

It is curious to observe the manner in which you introduce some mention of the circumstances above stated, into your paper of accusations. After first alluding to some supposed appearance of hostility of attitude on my part, you say that to avoid greater evils, you thought well to communicate your instructions from the Government of Chili, by which you were authorized to dispose of the whole, or of a part of the Squadron, as General in Chief of the Liberating Forces. But you say not a syllable with respect to the manner of the communication,—not a word of the sneaking distribution of the documents, by stealth, and in the dead of the night; and no mention whatever of the coaxing attempts of your nocturnal emissaries, to tamper with the officers of the Squadron. You add, that in virtue of those instructions, you ordered me to depart immediately from the Ports of the State, with the vessels under my command;—that is to say, when you found you could not dispose of the Squadron in any other manner;—when you found that you could not get it into your own power, you determined to get rid of its presence, and in consequence of its influence, which instead of being directed to the promotion of your selfish and ambitious views, was steadily exercised in favor of the Liberties of Peru, and the Rights of Chili. First, however, you say, you ordered me to give back the money, belonging to private individuals; a very superfluous and impertinent order on your part, for as no such money had been intentionally taken, it was of course restored after it was known to be private property. You say further, that you wrote to me again on the 28th of the said month, requiring me to give up the remainder of the Piensa and silver (for you still insisted on there being a balance after the people were paid) belonging to the State, to the officers of the Mint and the Commissary of War; although in truth, after paying the Squadron and returning the money of individuals, there was not any balance in existence. It is true you had the impudence so to write, and even to send those officers to receive such pretended balance. And now I ask you, how came you on the 28th of September to make this demand, when you had voluntarily resigned all claim, and desired me to account only to my own



## LORD COCHRANE'S DEFENCE.

— 89 —

Government, by your letter of the morning of the 26th, the morning of that memorable day, on which we were honored with a visit of your Aid-de-Camps by night. The reason you assign is a false pretence. You say the Government had no friends, and that such remainder was necessary for the purchase of various articles demanded by me. You know you had the friends of the Sacramento and the friends of the Commissary. Besides you know well, that you wanted money for no such purpose, as all the articles which I demanded were in the stores of Callao, and completely in your power to place on board of the Squadron. More than this, the Ship OCEAN was full of provisions belonging to the Government of Chili, and the Schooner MONTEZUMA (which you falsely and frivolously accuse me of wishing to intercept in her entrance to Callao) had brought provisions expressly for the Squadron; yet both these vessels, by the orders of your Commandant of Marine, conveyed through your Harbour-Master, in disobedience of my directions, ran under the Guns of the fortification of Callao, where their contents were appropriated to the use of your own vessels; except only thirteen casks of Beef, which I obtained, not from your desire to supply my necessities, but from your fear of that imaginary threatening attitude which you accuse me of having assumed. How false then is it to say, that you wanted money in order to supply my demand of necessities for the Squadron? How false too is your boast of promptitude in succouring our necessities!

The Extracts which you proceed to give from my letters, and your comments thereon, prove nothing but my boldness in speaking. Truth, and your anger at hearing it; and nothing can be more inconsequential than your inference, that according to my principles I may lay hands on any funds however sacred to satisfy my own caprice; or, as you more frequently describe it, my avarice. Then you ask, is it possible to believe the words, which you quote from one of my letters "that the promise of the greatest fortune could not cause me to deviate from the path of honor," of that honor, you are pleased ironically to say, which I have not failed to follow both in my own country and out of it. I shall answer this in no other way than by referring to your letter of the 13th day of August 1821, a copy of which I hereto annex,\* in which you yourself, either with the view of rewarding conduct which you now reprobate, an inconsistency of which I cannot accuse you, or having objects which I could not honorably promote, and therefore did not promote, offered me a fortune equal to your own. And your fortune at that time was not considered by the world to consist solely (as you have since said it does) of the standard of Pizarro, which indeed was always as much mine as your's; if therefore you meant any thing by that offer, you meant what no avaricious man could have rejected. It follows then that you are now a calumniator, or were then a hypocrite.

The instances which you proceed to adduce of my disobedience of orders are so puerile as well as false, that nothing but a desire to divest you of every appearance of truth could induce me to notice them. Indeed I have one sweeping and conclusive answer to them all, which though I have given it before, I shall here repeat, namely, that you divested yourself of all claim to obedience from me, when you shook off your allegiance to my Government, and assumed the character of an Independent Chief, in which you were not, when I was placed under your orders. As to the Spanish Schooner MERCEDES, which you accuse me of taking possession of, after your orders to the contrary, and after her Captain had virtually, as you say, surrendered her to you by giving you up her papers, the facts are as usual very different from your statements. In the first place, the Captain had not brought her to Callao, nor anchored her at Boca Negro; but, from dread of the Chilean blockading Squadron, had landed on a barren part of the coast three leagues to leeward, and it was there, in the dark, during the absence of the Captain, that the Chilean Squadron took possession of her. The Captain in the meantime had gone to obtain orders for his further proceedings, imagining that Lima was

still in the possession of his employers, the Spaniards; in consequence of which mistake, he and his Papers fell into your hands, and the Vessel into ours. We had taken possession of the Vessel before you had taken possession of the Papers, and had ourselves anchored her at Boca Negro before the receipt of the letter from your Minister of Marine, requiring me to deliver her up. In that letter, he assigned your possession of the Papers as giving you a title to the vessel, and I answered by reminding him of another vessel, the LOUISA, which the Squadron had seized, and which afterwards escaped from the Port of Huacho, leaving her Papers in the hands of your Government. This was to show that possession of Papers was a very insecure title to a Ship, as it could not prevent her from escaping; and it is certain, that the Spanish Schooner MERCEDES would also have escaped had she not been detained by the Squadron. After all, I never refused to give her up, though I had not then, nor have now the least doubt that she is our lawful prize and not yours. I waited with the view that the question of right should be settled by a competent tribunal, for I never considered you a good judge in your own cause.

Your next accusation, which respects my taking the stores out of the Ship LAURA, which were stated by the Captain to be for the service of the Navy, save some articles particularly specified, which it was also my duty to the Government of Chili to take out, in order to prevent the expense of demurrage, is too contemptible for more particular reply. With as little ceremony I may safely dismiss your complaint about the box of medicines, taken out of the LAURA, and afterwards lost in the SAN MARTIN, though you repeat it again in your summary at the end, and even magnify it into a "robbery of the Medicines of the Army!" As to the next charge, that the SAN MARTIN was lost from my anxiety to sell the corn that was on board of her, my answer is, that this at any rate could be no breach of orders, as I had your directions in writing to land that corn at Chorrillas, in order to its being sold to the poor at an inferior price, pursuant to your intention, as announced in the LIMA GAZETTE of the 18th July 1821; a very cheap act of humanity on your part, as it was entirely at our expense. If I had previously contracted to dispose of it to Don Jose Arismenda, as you allege, I readily waived the benefit of that contract in favor of an act of benevolence, of which myself and the Squadron were to have the loss and you the credit. To assert that I lost a Ship through avarice, when you might as fairly have ascribed it to charity, is not the least iniquitous of your accusations. Your next charge, which appears to be the last in your Chapter of Disobedience, is, that I refused to give up 20 casks of Muskets and 20 barrels of Cartridges, which I had taken out of the Schooner ARANSAZA. I am really sorry there is not more truth in this accusation, as I should have better consulted my duty in disobeying your order than in complying with it. I did, however, immediately comply with it in part, by causing a moiety of those stores to be landed. As to the remainder, which I also gave up, on your second application: they were intended by me to replace in part those which I had lent you at your earnest solicitation before I suspected your object in disarming the Squadron, and when I had less reason to doubt the solemn promise upon honor, which you gave me more than once in writing; and which documents are now in my possession, that you would return the muskets I had lent you the moment it was practicable, with as many more as I wanted, and so free me from the responsibility of having lent you, contrary to my duty, even the last musket belonging to the Marines. It is needless to say, that you never performed your promise; but I may add, that I have your official refusal to comply with your solemn engagement on honor.

In the next place you appear to aim at a sort of climax, and say that notwithstanding you have already set forth crimes perpetrated by me, enormous and inexcusable, there are others behind of still greater magnitude; and then you allege; that I permitted persons to go forth with their property from Callao, when blockaded at a certain per centage, and allowed persons found on board the Vessels LORD LYNDOK and ST. PATRICK to

\* Vide page 96.

ransom themselves, notwithstanding an order from you to prepare a prison-ship for their reception. To this I have to answer, that if there was any harm in my granting and charging for pass-ports, the fault was your own, not only in setting the example, but in compelling me to have recourse to that measure by your breach of faith with the Squadron; for it should be remembered, though you appear to have forgotten, that the sale of pass-ports in question occurred *before* I hit on the happy expedient which so excited your rage, of availing myself of the fund at Ancon, and at a period when it was essential to the public service to raise money for the purpose of re-enlisting those seamen whose stipulated period of service had then expired; and both the fact and the object of it were duly reported to my Government. The truth is, I gave my pass-ports to the Spaniards at a moderate rate for the public account, while you unmercifully exacted ten times as much, perhaps for your own. My sale of pass-ports was, in no respect injurious to any useful object of the blockade, while it actually contributed to the means of continuing it, and was at once an act of humanity and utility to the cause. I can hardly believe, therefore, that it had any criminality in it, even in your eyes; except that of keeping the individuals out of your unconscionable gripe. The same observations are applicable in the case of my granting pass-ports to persons found on board the *LORD LYNDOCK* and *ST. PATRICK*; and besides, those Vessels were taken possession of by the Squadron, and your interference was as improper as it was unavailing. Don Aramburo, one of those individuals, can testify to his sorrow, how much he changed for the worse, when he chose to withdraw himself from my protection and place himself under your's.

"But of all the stings," say you, (this is the climax itself), "which Lord Cochrane has cast upon his public character, no one was more horrible than that which we are about to bring to view: indeed, the incident which we are about to treat of, manifests that Lord Cochrane despises the most holy laws of honor and of truth, where his predominant passion of avarice is to be satiated." And then it turns out that this tremendous blast of your slanderous trumpet, is only to announce the dwarf of an allegation, that while engaged with the Squadron in blockading Callao, I made an offer to the Spanish Governor, of protection and safe conveyance to any country, of two thirds of the property contained in the Fort, on condition of the remainder, together with the castles being given up to the Squadron of Chili. This proposal, be it observed, was made immediately after you had thrown off your mask and proclaimed yourself an Independent Chief; immediately after you had signified your intention of breaking your engagements with Chili and the Squadron, and of not paying one farthing except in the way of purchase money, at a time too, when the Squadron were in a state of mutiny, from the want of necessities, and your refusal of their stipulated pay: for this was prior to the seizure of the money at Ancon, though you have artfully placed it, as well as the affair of the pass-ports, *afterwards*, with the view I have no doubt, of supporting your slanderous imputation, that a desire to enrich myself by getting possession of the property, and not the necessity of satisfying the seamen, was the cause of this proposal. Under these circumstances, and with a knowledge of your plots and intentions, I was not only justified in making such an offer, but my duty to my own Government, whose authority you had cast off, and the claims of the Squadron, actually demanded it. I say, under these most urgent circumstances; but even under any circumstances, would it not have been much better to have imposed duties to the extent of one third on the large sum of money which were said to be deposited in the Forts of Callao by the Spaniards, than to allow the whole of it to be carried off by their own army as you did allow in the course of one month afterwards; when in contempt of you or your force, amounting to double their number, the army of Cantara entered the fortifications unmolested, and departed therefrom with the money equally undisturbed. Would it not have been more in conformity with our official duty to have made the enemy either by force or negotiation, contribute to the expenses of the blockade, at least to the extent which I suggested, and after paying the Squadron, to have duly accounted for the over-

plus, which however contrary to your practice, has invariably been mine, than to have suffered our opponents to walk off with the whole of that property, as you most shamefully did? But as I shall speak a little more at large of your conduct on this occasion before I conclude, I shall now only add, that with respect to the transaction which you describe as so atrocious, an account of it and a copy of the very Document which you bring forward as a proof of my delinquency, were sent by me to the Government of Chili a few days after it was written, and nearly seven months before the date of your accusation.

You have the audacity and folly to add, that I aimed at the possession of the Fortress for the purpose of dictating Laws to Peru, and even getting at defiance the Government of Chili. This is too ridiculous to be answered seriously, though there was, I confess, one Law, which if the Fort had surrendered to the Squadron, I would have certainly dictated to you. I should certainly have insisted on your performing your solemn promise to the Peruvians of giving them the free choice of their Government; a promise which you were doubly bound to fulfil, as by violating it, you also set at nought and rendered nugatory that sacred assurance to the same effect which was given by the Supreme Director of Chili, in which his Excellency, implicitly relying on your co-operation and good faith, called on God and man to avenge the infraction of his solemn pledge.

There is something ludicrous in your suddenly descending from a subject which you describe, as the most horrible of all my enormities, to attack me respecting the jars of spirits which the seamen had found at Ancon hid in the drift sand of the desert. However, I do not wonder at your disapproving of my embarking those spirits, seeing that my object in so doing, as I stated to your Minister of Marine, was to prevent further confusion from the intoxication of the seamen during the watering of the ships at that place; and it is well known, that you are no enemy to confusion, especially from such a cause.

Having proceeded thus far in an attempt to destroy one who had conducted himself with fidelity towards you, until your views were evidently become incompatible with the oath which he as well as yourself had taken of fidelity to the Government of Chili, you are pleased to express yourself desirous not to fatigue the attention of the Minister of Chili, to whom your document is addressed, and with a view not to trouble him any further by any additions to so disgusting a production, you transmit him a Copy of the last letter which you say was written by your Minister of Marine to me, in which you say he sets forth all my arts of insubordination, sordid greediness and neglect in the execution of my duties, together with the risks which my capricious conduct had occasioned, and all the rest of my manifold offences. Though you are careful throughout in giving the dates of other letters, you have not, I regret to observe, descended to this minute particular on the present occasion. It would have been some satisfaction to me to have been made acquainted with even the date of so important a letter addressed to myself, as I never had the honor of receiving the original. I conclude therefore that it was written (if at all) expressly for the purpose to which it is now applied, and that no such letter was ever forwarded to me; especially as I cannot think that Don Bernardo Montenegro, your Minister of Marine, would have ventured to visit me (as he did) on the 26th day of April, on my last arrival at Callao, after having sent me such a letter as that which you describe. It is true that he might have confided in my conviction that the act was yours, but still he must have been aware that it would have required no small exercise of forbearance to have prevented my chastising in an exemplary manner even the instrument of your defamation. Besides, I cannot imagine that he exceeded his commission at the visit in question when he assured me of the desire of your Peruvian Government to place me in the command of the United Squadron of Chili and Peru; stating that your Sub Delegado, the Marquis of Torre Tagle, had prepared his own private residence for my reception; that a brilliant medallion of the order of the Sun had been prepared for me, and that you yourself had written me a very kind private letter, and had only withheld it, in consequence



of receiving those Official Communications from me which I had forwarded to the Minister of War on the preceding day even before the anchoring of the ships under my command in the Bay of Callao; and which communications reproached your Government with the perfidy committed in displaying the Peruvian and not the Chilean Ensign upon the Frigate PRUEBA and VENGANZA. Mr. Monteagudo, if he has any regard for truth, will acknowledge the correctness of this account, and that the substance of my reply was as follows: that I would not accept the command of the Peruvian Squadron, nor hoist my Flag in the PRUEBA, because I would not deceive the Peruvian Government by leading them to imagine that I would obey their orders; that I would not accept of any honors or rewards, given by a Government constituted in defiance of solemn pledges, and not emanating from the choice of the people, that I thanked the Marquis of Torre Tagle for the offer of his house, but declined to avail myself of the favor, nor would I ever put my foot in a country governed not only without Law, but contrary to Law. I may also observe, that your said Minister mentioned to me, as an additional inducement, your intention to take the Philippines, and stated that the fortune I might there amass would be immense: to which I replied, as I had done before, that such considerations had no effect on me; that my habits were frugal and my means sufficient.

Notwithstanding your reference to the pretended letter containing all my delinquencies, and your expression of a desire not to be tedious, you proceed to give a summary of the whole matter, introducing too, some fresh articles of charge, and even imputing to me as a fault the expedition to the Intermedios, for which you had previously thanked me as an important diversion in favor of the cause. As to the danger to which you represent Colonel Miller to have been exposed, whom you falsely accuse me of abandoning, it was his own fault, he having chosen to embark at Arica, instead of at Ilo, where I had placed vessels provisioned for his reception. You then attack me at once with a huge pair of enormities, like two giants born at a birth: Plunder and Piracy: the former on the coast of the Intermedios, and the latter on neutral vessels on the high seas during the said expedition. To repel the former, I can claim the assistance of all the inhabitants of upper Peru with whom I had any transactions. They can all testify for me, what those of lower Peru cannot do for you, that they were all punctually paid for every article required. But as to the charge of piracy, I can only say, that if the neutrals in question had a passion to be pirated, I am not altogether to blame, for certain it is, I had no transactions with them except at their own request. They must have imagined that what you, in the excess of that scrupulosity which you have so suddenly assumed, are pleased to call piracy, that is to say, granting them license to debark their cargoes in the ports under my controul at a certain rate, was calculated to advance their own interests, for they actually petitioned me to that effect. All I did was to consent to their request, charging no more than 18 per cent. upon the original invoice, which moderate rate, I afterwards lowered in consideration of the difficulties which they represented, they anticipated in introducing their goods into the interior of the country. One of these vessels was the ADMIRAL COCKBURN before mentioned. In what respect these transactions were a discredit to, or a compromise of the public cause (as you allege) I am yet to learn. If indeed I had pocketed the price of these licenses, instead of placing it to the public account, it would be another matter. You expressly approved of all my conduct in this respect at the time: and the exclusive licenses which you lately granted to a relation of your own to introduce goods into those ports, to the unjust exclusion of neutrals and all other vessels, demonstrate that so far from deprecating, you have gone far beyond the example which you hypocritically affect to condemn. And here, once for all, I protest against any imputation of a propensity to recriminate; but there is a difference between simply preferring a false accusation and imputing to another the very crime which belongs only to yourself. In the latter case, to convict the accuser, is the readiest and completest defence, and hence it is, that I have so often convicted you in the course of this statement. Even the "disorganization of the Squadron," you ascribe to my instigation, and acts of arbitrary dismissal, though you are well aware that not an indivi-

dual was dismissed except at his own request, or by sentence of a Court Martial, and though you cannot but be conscious of having yourself occasioned all the evil which subsequently occurred, first by your notorious want of faith in not fulfilling your promises of payment, and latterly by your intrigues to get the ships of war into your power and under the fortifications of Callao: and by enticing the Officers and men to enlist into your Squadron in which you were too successful.

It is hardly worth while to notice what you are pleased to term my "violation of public faith in opening the correspondence by the Ship LAURA." The envelopes were endorsed "Impresos," or printed papers, and some of them being open at the end, I withdrew one copy of the many sent to you to be distributed at head-quarters. And of course I do not pretend to answer such general accusations as "scandalous abuse of power," "usurpation of authority" and "contempts of the orders of the Government of Chili;" not only because I in vain look into my own conduct for instances to correspond with the description, but because they are so notoriously applicable to yourself, more than to any other person in existence, that I should as soon think of defending myself from a charge of picking pockets brought by a thief at the gallows, as from accusations of "usurped authority," and "abuse of powers," preferred by San Martin.

I have now come to the conclusion of your accusations, and hope that I have answered them in a manner which the public will consider satisfactory. However, as you are pleased to ascribe all my actions to sordid motives, I may fairly take this opportunity of stating, that I have now served the republic of Chili for a period of four years, not only with the strictest fidelity but the truest zeal, and I trust, I may add, with considerable benefit to the State; while my pay has not only been less than that of an officer of similar rank in the British service, but without any allowance as table-money—an allowance, which added to the salary of a British Officer of similar rank, (as it always is), gives him an income nearly double the amount of my present pay; if, indeed, that can be called pay, of which I have never yet seen a single dollar, my first two years (which was subjected to an unexpected discount of 25 per cent. from the depreciation of the Government paper), having, by my authority, been paid for the use of Lady Cochrane, previous to her departure to England, and the remaining two years being still unpaid. Neither have I, as annexed to my office, a house to live in, nor any allowance in its stead. An estate, however, which I have never seen, from which I have never derived one farthing of emolument, and which is still haunted by the Indians, was given me by the Government, but even that I offered to restore, in order to its being sold to pay the seamen, as appears by the Gazette, in which my offer was recorded. At Callao, when you refused to supply the stores and provisions requisite for the Squadron, I purchased and paid for them myself, out of monies in my hands, belonging to or at least due to myself and the Squadron, as prize-money; and out of similar funds I repaired the three ships of war, O'HIGGINS, VALDIVIA, and INDEPENDENCIA, the brig ARAUCANO and schooner MERCEDES at Guayaquil; and re-victualled them all at Acapulco, while in pursuit of the Spanish frigates, the PRUEBA and VENGANZA; and it was by these sacrifices on our part, that we were enabled to continue the chase of those frigates, until they were reduced to such distress, as to be obliged to enter the Port of Guayaquil, where you through your agent, Don Jose Salazar, bribed their Commanders to surrender, them to you; and rather than injure the common cause or risk the involving of my Government in hostilities with yours, I forbore from having recourse to force, though remonstrance was unavailing, and submitted to be deprived of those valuable Prizes, which had been driven into your power, not merely by the exertions, but actually at the pecuniary expence of myself and the Squadron, for we never have been repaid.

On another occasion, actuated by the same motive of renouncing or at least suspending private interest while engaged in a public cause, I suffered you to rob me of 8000 dollars, my share of a prize, captured by the Chilean State Brig PUERREYDON, commanded by Captain Priener, who at your instigation falsely pretended that he was under your orders, and not mine, although himself and his vessel were both placed under my command by the same

authority as the rest of the Squadron, and were never at any time (as I can prove by a letter from the Minister of Marine) placed under your's, except by your own usurpation. So much for my avarice, and for your honesty and disinterestedness.

Of your extraordinary prudence in the conduct of military enterprises I shall now proceed to give a few instances, pursuant to my promise at the commencement of this Paper; a promise which I was in no danger of forgetting to perform, as it relates to circumstances too memorable ever to be forgotten. I at least shall never forget your prudent determination not to comply with my rash proposal of sending a few troops to take possession of the Town of Pisco, and secure the horses, mules, and slaves, on the evening of our arrival with the liberating expedition (September 7th 1820.) Neither shall I forget the remarkable caution with which you examined the desert beach for the space of three hours (from six to nine) on the following morning, through a spy-glass from the quarter deck of the O'Higgins, nor your prudence in resolving, that a force should at once be landed sufficient to overcome all the dangers you anticipated from the fifty Volunteer Cavalry of Pisco, forty-three of whom in a body, with three videttes, actually came in sight and seemed to assume a menacing attitude. Besides these, some heads were supposed to be seen behind the sand hills, but as they afterwards proved to be broken Pisco jars and bits of wood, they were productive of no other warlike effect than that of confirming your determination to cause two solid squares of a thousand men each to be formed upon the beach at Paracca with full five hundred videttes and sharp shooters eight hours before you permitted so much as one single man to advance. Doubtless, you considered that on a burning sand and beneath a vertical sun, it was cooler to stand all day under arms than to march in that position; and perhaps it was delicacy that induced you to forego the merit of this act of prudence, and, to cause it to be inserted in your official GAZETTE that your forces marched at half past two, instead of, as the truth was at sunset in the evening; and consequently, as you further notified, that they entered the town of Pisco that night, instead of, as the truth was, on the following morning, long before which the inhabitants had notice, of which they duly availed themselves, to escape with their Negroes, Cattle, and other moveables, out of the reach of danger. Nor can I ever forget, that while you considered more than half your force necessary for this achievement, you by no means deemed it necessary to accompany it; but in the true spirit of prudence, if not of prophecy, you remained on board to preserve your sacred person inviolate for the future accomplishment of more heroic deeds. After a lapse of fifty days, you were sufficiently refreshed to proceed with prudence with the expedition; but it was not against Lima, or to any situation favorable for an attack on the Capital, that you were desirous to go, as I had foolishly imagined, but to Trucillo; as this was carrying even prudence itself too far, I succeeded in dissuading you from conveying the Troops to so distant a situation from the capital, from which they could neither approach it by land nor return by sea. Having quitted Pisco and re-embarked with the Army on the 28th of October, anchored in Callao Bay on the 29th, remained there one day, and gone to Ancon, you prudently determined, not to debark at that place; as you had also declined to do at Chilca or Chorillos, all these places being too near the capital, a proximity which I was so short sighted as to think favorable for the object of the expedition, but you, who saw further, was resolved also to go further, and therefore after consuming ten days more, on board the TRANSPORTS at Ancon, during which period the Squadron captured the Spanish Frigate *ESMERALDA*, you insisted on sailing down to Stanchio, where you debarked about the 10th of Nov. and where you evinced yourself so averse to the rashness of risking the lives of your men in an attack upon Lima, which, I however continued to urge you to make, that you formed the resolution of sending 2000 men by sea to Guayaquil, and thus at once to rid yourself of my importunity, and the possibility of complying with it; but against this measure, prudent as it was, I was so fortunate or so unfortunate, as to remonstrate with effect; for it would have enriched myself, however hurtful it might have been to the public cause. It was only, however, when your prudence led you to think of sending others into action, (for it never ope-

rated to that extent upon yourself) that it was possible to overrule it, for in its more ordinary tendency to do nothing at all it was quite inflexible. Indeed, when the capture of the *ESMERALDA*, the success of General Arenales at Pisco, the accession of the Regiment of Numancia, the emancipation of Truxillo, the independence of Guayaquil, and in short such a combination of fortunate events as perhaps never before occurred in favor of any enterprise, all conspired to invite you to advance, and gratify the anxious expectation of the whole of the Southern Provinces, by striking the decisive blow that would have liberated the Capital and annihilated for ever the Spanish power in Peru, so resolved were you, not to be dictated to, even by events which men of ordinary prudence would have deemed irresistible, that you not only determined not to advance one step towards a scene of action so invitingly laid open, but you actually chose that auspicious moment to make a retrograde movement, and fall back with your army from Chanery to Huasco, where you prudently held that memorable Council of War, at which, as is reported (for you so ordered it, that I should not be present) you came to the heroic resolution of burning all the TRANSPORTS in case the naval force under my command should be beaten, which judging from the rashness with which we had so recently captured the *ESMERALDA*, you prudently anticipated as a probable event. At the same time you adopted the most effectual precaution against any catastrophe so disastrous or disgraceful occurring to the Army, by detaining it at Huasco until you had preserved two thirds of your men from the possibility of falling in battle, by securing them a more peaceful and natural death, by means of a Tertian Fever there prevalent. At length, even when your Chiefs were in a state of almost open mutiny, in consequence of your adopting no measure for the termination of the Campaign, your invincible prudence still predominated, and you could not be prevailed on to accept the offer by which I made you by letter, to accompany the Cavalry to the gates of Lima, provided you would embark with your Infantry, and take the enemy in the rear by debarking at Chilca. Your prudence, phlegmatic as it was, was startled at the idea of such a proceeding. In fact, from the 10th of Nov. 1820, when you disembarked with the army at Huacho till the 6th of July 1821, when the enemy were starved out of Lima by the vigilant blockade kept up by the Squadron, your perseverance in resisting all temptation to activity, your disregard of the solicitations and indifference to the sarcasms of your Officers, your patience under the necessary sufferings and mortality of your Troops, and your forbearance even from good works; and in short all that constitutes your extraordinary prudence, shone so transcendantly for so mild a military virtue, that not a spark of any other was visible in your conduct during the whole period. The opportunity however, of displaying your unparalleled caution in its full extent, did not present itself till the evacuation of the City. It was then probably, that you first clearly foresaw the importance of your existence to the future destinies of Peru; and wrapt in the contemplation of that importance, and in the consideration of the surest means of preserving that existence, you stirred not one single step towards the evacuated City; but together with your army remained inactive, invisible, and immovable. Meanwhile Captain Hall, of the British Sloop of War *CONWAY*, to whom prudence so sublime as yours was utterly inscrutable, and who had not the capacity to perceive the policy and humanity of leaving the interests of society at such a crisis to take care of themselves, went up to the City of Lima, and offered to the Cabilda, the services of his marines and seamen, to contribute to the preservation of the peace and the security of property, until you should deem it prudent to order a detachment to advance, which was not until the 9th instant. In the meantime however, you arrived in person, yet not by land, but by sea, and from the deck of the schooner *SACRAMENTO*, which you were in no haste to quit, you cautiously surveyed for five successive days, the fallen capital, and prudently abstained from entering it until the 14th. Well may you boast, in your leaving-taking address to the Peruvians, of being a "fortunate General," but why content yourself with half your praise? Why appear unconscious of that singular prudence for which no other hero was ever so distinguished.

Least of all shall I ever forget, that matchless display of prudence and forbearance which you exhibited on the memorable



# LORD COCHRANE'S DEFENCE.

—93—

10th of September, when the enemy under the command of Cantarac entered and relieved the Fort of Callao. On that day, when having quitted the position you before occupied, which guarded the road to Callao, and retreated under the walls of Lima, you were informed that Cantarac, availing himself of your retreat, was proceeding to Callao, and was then entering a narrow part of the road; where his whole force might be annihilated;—then it was, that roused by the clamorous entreaties of your Officers, you not only ordered your Troops under arms, but actually made your personal appearance on horseback. Then to it was, that you called General Las Heras and myself forward, from among some hundreds of Officers and gentlemen, all mounted, ready for action, and anxiously anticipating the triumphs of the day;—and then it was—at that moment, when we expected that you were either about to honour us with a consultation as to the mode of attack, or to communicate your own decision respecting it, that you most condescendingly gave audience to a peasant, who hastily rode up, and with him you conferred on a diversity of subjects, martial and domestic. From him you ascertained, not indeed where the enemy then were, (for that you knew and he did not) but where he had seen them on the preceding day, and whether he himself was married or single, was childless or had children. And on these and other matters of no less importance, he dilated with a copiousness of communication, which, however tedious at such a juncture to hearers of ordinary apprehension, whiled away the time in a manner which to you appeared irresistibly captivating. Nor were you less delighted when this chattering courier drew forth from his pouch, a hunchcon of musty bread and rotten cheese, thereby intimating that his anxiety to bring prompt intelligence had superseded the claims of his appetite by the way. This interesting little incident was a happy theme of panegyric for a hero whose gratitude was never at a loss for words, and who, from resources peculiar to himself, could find, even at such a crisis, time to give them vent. With rapture you expatiated on the zeal he had displayed, and the diligence he had exercised, in bringing you information of so recent a date, respecting the situation of the enemy; and not to detract from its importance, you amiably affected to consider it as the latest possible intelligence of the enemy's situation, and to be perfectly ignorant of any subsequent movement on their part; although, in fact, it related merely to their position on the day before, and although there was not an officer in your army, who was not well apprized of their situation, and proceedings at that instant; and though in the course of that very morning I had repeated, but in vain endeavoured to prevail on you to ascertain, where they were and what they were doing, with your own eyes, from the top of the little hill at the back of your own residence. At length my rashness could no longer forbear from so far opposing itself to your inscrutable prudence, as to compel me to draw my sword half out of the sheath, thereby indicating a desire to cut short, the long enduring dialogue still carrying on between the Protector and the Peasant. This hint you indignantly took, and at the same instant took your departure; not to the head of your army, but to the interior of your own house: not to give battle to the enemy, but audience to fifty old women, to whose long winded entreaties for the discharge of their sons, nephews, and cousins, you listened with even more than your wonted dignity of deportment and benignity. It was then that my still increasing impatience urged me to entreat a few words with you apart, to communicate what I had again seen from the hill. And I then (it was the last interview I ever had with you,) told you that there was still just sufficient time to send the cavalry at a gallop by the road to Callao, to cut off the enemy's entrance into the Fort, and that the Light Troops might arrive in time by leaping over a few walls, and that your own character and the honour of the army might yet be saved. To which this was your magnanimous reply, "I alone am responsible for the liberties of Peru." And you retired to your chamber to indulge in your customary siesta. It is remarkable too, that your repose on that occasion was uncommonly profound. Even the utmost exertions of General Las Heras, who left the army still under arms, to endeavour to rouse you from your slumbers, could not accomplish that object, until your imagination was

struck with the idea, that the hour had arrived for the troops to go to dinner;—then ensued a tragedy. The soldiers, in a paroxysm of rage at being disappointed of a more glorious encounter, fought a Quixotic battle with the sheep, on which they were to dine: furiously attacking and slaying them with their weapons and gaining a victory as bloody and not more easy than that of which your unconquerable prudence had deprived them over the enemies of the liberties and independence of Peru.

In the unabated exercise of similar caution and forbearance you allowed the enemy on the 15th day of Sept. to march off from Callao, with all their treasure and military stores, without attacking or even following them with your army, although the audacity of their conduct and their presumptuous contempt of your courage and talent, did in some degree excite your just indignation; as appears by a Letter which you wrote to me at the time, assuring me that you had taken measures to destroy them all. This destruction of an unbroken army of 3,500 men, you had delegated to an officer with a detachment of 800 only (being not the tenth part of the force then at your disposal) and the result perhaps not unnaturally, was favorable to the enemy, who turning on their pursuers with 1000 Cavalry, cut their van to pieces, and put the remainder to flight. Could it have been consistent with your paramount prudence for you the "fortunate General" to have been present in person with the victorious standard of Pizarro, who can say that the result would not have added to that weight of wreaths under which the Chilian Newspapers assert you are now reposing! But you know best when you had Laurels enough; and could afford occasionally to put a few barren sprigs in the way of your inferiors. Witness the little expedition to Pisco under Col. Tristan which was annihilated, and your second expedition which met with the same fate, neither of which could have been designed with any other earthly view than that of conferring on their commanding officers the honor of being beaten by superior numbers. Of this second rate glory you were ever too magnanimous to be personally ambitious. Never fighting but by proxy, whenever there was victory, it was your own; and you cared not to dispute with your substitutes the inferior honors which may be reaped from a defeat. If ever you spoke truth it was when you pronounced yourself a "fortunate General." Was it ever before known that an enemy abandoned a Capital to one who so far from having made one effort to expel them, left his army at a distance of forty miles and could not be prevailed on to take possession even by deputy till three days had elapsed, nor in person till after five days more. Your contribution to this great event consisted solely of a medallion in its commemoration. Not that I deny you the modest merit of its inscription, which saying nothing for the Navy, and but a word for yourself ascribed all the glory to the army under your orders. In short you have conquered both by land and by sea, and taken both towns and ships without one personal effort of your own. To all your success you contributed nothing beyond the careful preservation of your own person: and if it be true that you have lost but your honor,\* you are still fortunate in having lost nothing of which you were truly the owner. Why then may not your name be handed down to posterity as the most fortunate as well as the most prudent General of the age?

After all, your fortune or your prudence as a General is not more deserving of celebration than your policy as a Statesman: so far at least as it consists in saying, writing or swearing one thing, and meaning another, for instance:—

You solemnly declared in a public document, that you would leave the Peravian people to the free choice of their Government, and by means of the bayonet you usurped absolute power.

You solemnly promised protection to the property and persons of the Spaniards; and plundered the former and imprisoned the latter.

You took an oath of fidelity to Chili, erected yourself into an Independent Chief, seduced many of the Officers and Men of

\* The word is "life" in the M. S. S. but as the letter is addressed, to San Martin it is of course a mistake—Ed.

the Squadron of Chili to abandon her service, reduced them into your own, in defiance of my repeated and strenuous remonstrances, and sought to obtain possession of the whole Squadron.

You solemnly engaged, previous to your departure from Valparaiso with the expedition, to reward the seamen with a twelve-month's pay, on the surrender of Lima; and you did not pay them a single dollar.

You gave your word of honor to reward the captors of the *ESMERALDA*, and you gave them no reward whatever.

You promised to reward the Officers of the Squadron; but you rewarded none except those who abandoned it, or whom you seduced to desert.

You declared in your Gazette of the 17th of August 1821, that the Officers of Chili, were to have Peruvian half pay for their services, and you withheld it.

You decreed a medal in commemoration of their services, but never gave it.

You falsified your engagement with the Officers and Regiments of Numancia.

You deceived the persons composing the Government of Guayaquil, by promises of assistance against General Bolivar; and prevailed on the people to form themselves into a militia in support of your pretensions to authority, by inducing them to believe, that you would form a great arsenal there, and enrich them by the construction of ships of the line and frigates; and you suffered the whole of them to be disarmed, marched down, and embarked on board your own ships of war, in order to conciliate the Ruler of Columbia, and obtain from him some aid to uphold your tottering power in Peru.

You induced the Government of Guayaquil to break their solemn engagement in writing, not to deliver up the frigate *VEN-GANZA* to you, without the consent of the Government of Chili.

You appeared to be the sincere friend of Don Pedro Abadca, so long as you found him necessary to form your commercial regulations. You afterwards employed two priests to entrap him into a correspondence with the enemy into whose hands his valuable property at Pisco had then fallen. You imprisoned and brought him to trial and endeavoured, by rejecting the sentence of acquittal again and again, to procure the condemnation of that excellent and honorable man. But the instances of your false and injurious dealings with individuals are innumerable.

Lastly, you never fulfilled your promise to Peru, of clearing the country of the enemy; but abandoned it, when the Capital was in danger, and the southern provinces still in possession of the Spaniards.

But you cannot even be said to keep faith with yourself. When you had assumed the title of Protector, with arbitrary power, you declared that you would hold your Iron sway until you judged the people fit for a better species of Government; or, at all events, until Peru should be freed from the enemy, and you declared that you would admit of no popular assembly to agitate questions on state affairs. And now, you profess to have voluntarily abandoned the office you assumed, and have actually assembled a Congress, with an enemy at the gates! It is now, however, well understood, in spite of the cajolery of your parting address, that your boasted voluntary resignation, was merely a copy of that of your Minister Montecagudo, who consented to his political death, for the preservation of his natural life.

Setting aside your pre-eminence in the faculty of promise-breaking, I am not aware that you remarkably excel in any quality for which Statesmen are usually renowned. It does not appear, during the whole of your inglorious stay at Nuanca, that you compensated in the least, for your inactivity as a warrior, by qualifying yourself for the practice of Government. During the whole of that period, you do not appear to have added one idea to your stock of political knowledge, which never comprised more than that solitary but amazingly profound maxim, which you profess to quote from Vattel, that "Every Nation, Sovereign, and Independent State, merits consideration and respect;" and even of this you have made no other use than to draw the selfish, and as it has turned out, fallacious inference, that to entitle yourself to respect, you had only to assume independent power. In the whole course of that woeful waste of eight preci-

ous months, you appear never to have thought of the necessity of framing or compiling a code of laws, or of determining what code should be selected from those that were already formed. Even your commercial regulations you left undetermined until Callao had surrendered; and then, as if their necessity had just presented itself to your mind, all commerce was for two months delayed, until the formation of your crude undefined decrees, which you were almost immediately obliged to revoke. I allow you, however, the apology of incapacity, you could not possibly be a legislator for a day; having no idea of any law but your own will, and no will that did not change with the hour. What other excuse can you have for abrogating all Law, and substituting none; unless it be, that as a soldier you thought it due to the sword to govern by it, since you had conquered without it? It is notorious that your's was a tyranny of the worst order, a mixture of whatever was ferocious and frivolous, and when you were not occupied in the immediate exercise of vengeance or of oppression, your views were limited and your attention engrossed by the designations of rank, the regulation of procession, ornamented baubles, and the pageantry and trumpery of an Eastern Despot. And the only public work of any magnitude that you appear even to have projected, was that erection of a triumphal arch and monument of brass in honour of your own great name and heroic achievements. The excoavation made for the foundation of this monstrous structure, is all that the indignant subjects of your short-lived sway may have suffered you to accomplish; and I trust it will be permitted to remain, as a memorial of your egregious and disappointed vanity, and as a warning to all apostates to liberty and pernicious pretenders to arbitrary power.

However, as I have no desire for that kind of fame which might arise from becoming your historian, though I shall not withhold the materials in my possession from any abler pen that may undertake the task, I shall now conclude, with expressing my satisfaction, that the whole string of accusations which you have presented against me, through the medium of your Legates, to the Government of Chili, together with the appeals for vengeance with which the libel is interspersed and with which it so earnestly concludes, appear to have been received with contempt, at least in the quarter to which they were addressed, if not with the more lively feeling of indignation against their malignant and calumnious author.

(Signed)

COCHRANE.

(Letter referred to, as being annexed.)

MY LORD,

Lima, Aug. 13, 1821.

I have officially answered your letter relative to the disagreeable affair of the payment of the Squadron, which occasions so much uneasiness to us both, because we cannot do that which we wish. Nothing have I here to add, but my protestations that I never have, and never shall look with indifference on any thing which regards you; I told you in Valparaiso that your lot shall be equal to mine, and I believe that I have given you proofs that my sentiments have not changed nor can vary, because every day my acts become more important. No, my Lord, I do not look with indifference on things that concern you; and I should feel grieved should you not wait until I can convince you of the fact. If in spite of all this you determine on the step\* you intimated to me at the interview we had some days ago, that will be to me a difficulty from which I cannot extricate myself; but I hope that confirming to my wishes, you will consummate the work begun and on which depends our joint fate.

Adieu, my Lord; I repeat to you, with the most sincere esteem, that I am your eternal Friend,

JOSE DE SAN MARTIN.

To the Right Honourable, Lord Cochrane, }  
Commander in Chief, &c. &c. &c. Callao Bay. }

\* Alluding to Lord Cochrane's having announced to him his determination to leave the Squadron (unless it were immediately paid) as from its destitute condition and mutinous state he could no longer command it.



**Selections.**

**Madras, April 23, 1823.**—His Majesty's Ship ALLIGATOR, Capt. Thos. Alexander, arrived yesterday morning from Trincomalee.

**Passengers per Bombay Merchant.**—Capt. Mitchell, Mr. Fazerwood, Mr. Aldridge, and Mr. Carapiet.

**Per Carron.**—Mrs. Ellis and Family, Mrs. Rutledge; Sir Anthony Buller, Kot. Puisse Judge, Dr. Rutledge, H.M. 20th Regt., Lieutenant Wallis, Mr. Barry,—and 38 Men of H. M. Regiments.

**Per Eliza.**—E. Smallie, Esq. and Mr. W. Brown.

**Per Alligator.**—Captain G. T. Ryers, and Lieutenant Potbury, both of the R. N.—*Madras Gazette.*

**Bombay, April 19, 1823.**—*Bombay Sessions.*—The second Sessions of Oyer and Terminer, &c. for this Island commenced on Monday Last, before the Honorable Sir Edward West, Recorder, and his associates.

The following Gentlemen composed the Grand Jury.

**JAMES HENRY CRAWFORD, Esq. FOREMAN.**

Benjamin Noton, Esq.	Wm. Mainwaring, Esq.
George Barnes, Esq.	Wm. Thomas Graham, Esq.
John Best, Esq.	Bazett Doveton, Esq.
William Nicol, Esq.	Wm. C. Bruce, Esq.
William Peill, Esq.	Wm. Simson, Esq.
John Saunders, Esq.	Chas. W. Fair, Esq.
Archibald Inglis, Esq.	Frederick Bouchier, Esq.
Patrick Stewart, Esq.	George A. Prinsen, Esq.
Jas. Fawcett, Esq.	Alex. Bell, Esq.
Thos. Crawford, Esq.	M. T. D. Vitre, Esq.
George Forbes, Esq.	James Forbes, Esq.

The usual preliminary business being gone through, the Hon'ble the Recorder addressed the Grand Jury nearly in these terms:—  
*Gentlemen of the Grand Jury.*

I am sorry to have to call your attention to a long Catalogue of offences, many of them too, the most heinous that could be committed against the persons or properties of individuals. The investigation of these cases will necessarily occupy a considerable portion of your time. It would therefore be unpardonable in me, still farther to trespass on that valuable time, by any observations which were not absolutely called for. There is however, one topic on which, were I not to touch, I should not be doing my duty to myself, to you, or to the public. I allude to the attendance of the Gentlemen of this presidency on the Grand and Petit Juries. I have had many applications, as well to-day since I have been in Court, as on former days, for exemption from service on both Juries; these applications, it has been my painful duty in every instance to refuse, a duty particularly unpleasant of performance in a small society like this, where I already have, or expect soon to have the honor of being personally known to every individual Gentleman. I have however proceeded upon this principle, that the favor of exemption granted to one Gentleman, would be an injustice to all the rest. The burthen of attendance, if borne equally by all, will press heavily upon none, whereas were many exemptions granted, the duty (I allude particularly to the Petit Jury) would be almost intolerable to the few who are obliged to bear it.—While, however, I have refused every application for exemption from service on the Grand Jury, I have not been inattentive to the convenience of the public, or of individuals, and the Court have therefore determined, that where there are several heads or chiefs of Office in any department under Government, one of those will be excused, and the same rule has been adopted with regard to Houses of Agency, and mercantile establishments.

I have had more difficulty with respect to the Petit Jury, from an erroneous feeling, which has prevailed that the attendance on that Jury is derogatory to the character of a Gentleman. Not knowing on what grounds such a notion rests, I hardly know how to combat or refute it; I presume it is founded on the fact, that in our native country Petit Juries are usually composed of persons who, however, respectable, are not of the higher classes of society. There is however, no analogy between this settlement and Great Britain in this respect; in the first place, there are really no European inhabitants here, who are not superior both in station and intelligence, to the class which is usually summoned for the Petit Jury in England; in the next place, if the same rule were adopted here, as is followed at home, of summoning only tradesmen, and persons of that description, it would be impossible from the paucity of European inhabitants, to compose a Petit Jury at all, besides, gentlemen who make this objection, and think it degrading to be associated in the performance of this duty with those of inferior rank to themselves, do not seem to be aware, of the practice which prevails in England. At every assize in England, men of the highest rank, and of the most ample fortunes in the country, are seen in the same Jury box, with their tenants, and even their tenants' tenants,

and petty shop keepers of a village, conferring, arguing and deliberating upon the verdict. I allude to the case of a special Jury, which is in fact a Petit Jury. At almost every assize, special Juries are summoned to try one or more particular causes; it generally happens, that some only of those who are summoned attend, in which case, what is technically termed a *tales* is prayed by one party or the other, and the Jury is filled up, out of what is termed the common Jury pannel. Do Gentlemen of this rank, think it a degradation to be associated in their public duties with those of the most inferior rank? Certainly not, and yet I will venture to say, that in many of these cases, the distance between the Gentlemen summoned on the special Jury, and those taken from the Common Jury pannel, is greater than that which exists between the very highest and the lowest members of this community. It would be absurd in me to trouble Gentlemen of your intelligence, with any declamation on the merits of trial by Jury, but it may be allowed to me to say thus much, that not many of the Institutions of our native country have been transplanted into this soil, that fortunately for us that Institution which of all others has been the most highly prized and warmly cherished by our own countrymen the most admired, and of late years most generally imitated by foreigners, I mean trial by Jury, has been communicated to us. It depends upon you Gentlemen, and Gentlemen in your situation, to hand this institution down unimpaired and in all its English vigour to those who shall succeed us in this society. Gentlemen, I feel confident, that you will not be wanting in that public spirit which is so peculiar to our countrymen, and which is the source at home of so much gratuitous public services. From the peer of the Realm, through the different gradations of society, even down to the Constable of the Parish or the Overseer of the poor, there is not a class that is not called upon to perform some gratuitous public service, and who do not perform it, actively, cheerfully, and I may say even proudly. The Peer of the Realm, the Member of the Commons house of Parliament, the Magistrate, the members of the grand and Petit Juries, the Church Warden, the constable of the Parish, and Overseer of the poor, all perform the duties of their several stations gratuitously, and I am sure Gentlemen you will not be deficient in the same public spirit. Gentlemen, I cannot but think that the disinclination which I have observed, in several of the members of this Society to attend on the Grand and Petit Juries, has originated in that which it would be in vain to attempt to conceal, I mean the very great irregularity and disorder of Court, which whilst they render the best planned institutions inefficient, double the labors of all those connected with them. For these irregularities I should not presume to blame any one; they have been caused chiefly by unfortunate circumstances over which no human being could have any control; I mean by the frequent vacancies of this seat, which I have the honour to occupy.

Gentlemen, during the short time I have been here, I have done my utmost to remedy and correct that disorder, and those irregularities, and whilst I continue to occupy this place, it shall be my utmost endeavour to restore this Court to that station in the public opinion which it was intended by the Legislature to fill, and which it has generally filled. To the object, there is no sacrifice of time, recreation, or any other pursuits of my own which I would not willingly make, and in this endeavour, I do not doubt, that I shall be most cordially joined by the rest of the Court, and zealously seconded by you.

Gentlemen, there is one other topic on which it is necessary to say a few words. I mean the state of the Jail; I had intended to have visited it myself before the Sessions, but have been prevented by more urgent business of the Court, in which I have been constantly, and I may say laboriously occupied; you therefore whose more immediate duty it is, will have the goodness to visit it before you are discharged. It is unnecessary for me to point out to Gentlemen of your experience and intelligence, the particular points to which your attention should be directed; I would only say, that you should take care that those prisoners who are confined there for punishment, should not be treated with any harshness or severity beyond the law, and that those who are confined there merely on suspicion previous to trial, should have every indulgence and comfort consistent with their safe custody."

The Hon'ble the Recorder here made some observations respecting a petition he had received from the prisoners on the Criminal side of the Jail, and stated, that although he had heard a very high character of the Jail, yet, that the Grand Jury ought not for that reason, to relax from their vigilant superintendence of the Jail.

His Lordship concluded by making some observations on various points of law which he expected would arise during the investigation of the cases that were about to come before them, and stated that he should be very happy to afford the Jury his opinion on any difficulties that might occur.

**Tuesday, 15th April 1823.**—The Court proceeded to the regular business of the Sessions.

Luskey McCarthy a Soldier, was arraigned for the murder of Michael Cohen. The only evidence against him was his own confession.

before Mr. Snow the senior Magistrate of Police, taken on the 17th January last, in the following words.

"I Lasky McCarthy being miserable and tired of life do confess and hereby declare that in consequence of a quarrel I had with one Michael Cohen of the Bombay Regiment, in the month of February 1816, I borrowed a pistol from John Chapman, shot at and killed Michael Cohen behind the town Barracks in the presence of the said John Chapman. That a reward was offered for the apprehension of the murderer, when John Chapman for the sake of the above reward accused upon oath one William of the same Regiment who was committed by the Magistrate for trial and acquitted by the recorder's Court of the murder of the said Michael Cohen; and I do declare that I am the Murderer of the said Michael Cohen."

Mr. Snow proved the confession to have been voluntarily made, and that he had warned the prisoner of the consequences of making it, he however persisted.

The prisoner on his defence called Robert Thorogood, and John Chapman; but their evidence being inconsistent with the testimony which they had given on former investigations respecting the murder of Cohen, the Recorder, in summing up stated to the Jury that no sort of reliance could be placed on their testimony. The Jury retired for about 15 minutes and returned a verdict of Guilty.

Patrick Managham, also for Murder, was next tried and acquitted. His defence consisted in an alibi, he having been on guard during the night on which the murder took place.

Stephen Corley, for manslaughter was found Guilty.

Essoo Gungajee for a Burglary, and Baloo Kanno, as receiver, were next tried. Essoo was found guilty, but Baloo acquitted, there being no evidence that he had received the stolen property within the Jurisdiction of the Court.

Wednesday, April 16, 1823.—The Court proceeded to the trial of Mhadoo Nanna and Natho Duondoe for a Burglary; both were acquitted.

Dhunjee Ruttonjee and Domna Canjee Subao for stealing Jewels, &c. in a dwelling house were found Guilty.

Seonderdass Valtobram, Nogen Harribboy and Toolseram Harribboy for Larceny, were also found Guilty.

Robert Thorogood, a witness on the trial of Lasky McCarthy, having been found in a state of intoxication when first called in, was this day sentenced by the Court to a week's solitary confinement in Bombay Jail.

Thursday, 17th April 1823.—Dorabjee Sorabjee and Hurdas Raydeo were indicted for a Larceny, and Hurka Dongersey as receiver of the stolen property. The first confessed, and on the trial of the other two being proceeded on, Mr. Parry, Counsel for the prisoner Hurdass, took an objection to the indictment which stated the good stolen to be the property of Dossabhoj Eduljee, where as in evidence it appeared that they belonged to Dossabhoj Eduljee and his partners in trade of the firm of Eduljee Cursetjee's Sons. The Court sustained the objection and verdict of Not guilty was accordingly found as to the two last prisoners.

Harjee Madoo Bhoj was found guilty of a Larceny.

Sebastian Martenhu, a Mussaul in the service of Captain Weddel of the Ship GLENELG was convicted of a Larceny. The prisoner had robbed his employer of sundry articles of personal property.

Friday, 18th April, 1823.—The Court proceeded on the trial of Chandbhoy, Noorbhoy and Sheriff Ally for dealing in slaves. There being no evidence to their being subjects of Great Britain, or persons residing under the Governments of India; so as to bring them within the statute, the prisoners were acquitted.

Thomas Flower, Esq. for an assault committed on the person of G. T. Hughes, Esq. Editor of the BOMBAY GAZETTE, was found Guilty.

The Court adjourned until Monday, when we understand, the sentences will be passed.

Among the many inventions of late years, none have been attended by results so important, or advantages so great to the community at large, as those of propulsion by Steam. In a subsequent column, we have inserted an article taken from the MONTHLY MAGAZINE, which affords a very complete sketch of the Steam Carriage lately invented by the ingenious Mr. Griffith of London. It was accompanied by an excellent engraving which we are sorry we cannot do justice to in our column, that art being as yet in a very infant state on this side of India.—*Bombay Courier.*

We are requested to correct an inadvertency which respect to the Service at St. James's Church.—Divine Service will be performed, not on Wednesday, but on Thursday, the latter being Ascension Day.

Two Natives, a Man and a Woman, fell sacrifices to the severity of the Lightning on Sunday afternoon last, about five o'clock. The former was the Grandson of the Proprietor of the house in which the accident

This is in the hands of our Engraver EDITOR JOURNAL.

happened. He was sitting in a Room looking towards the East—when he received a violent shock—which threw him down—and rendered him senseless, till he died; which did not take place for three hours after. The Woman was walking across the Area, which usually obtains inside the houses of respectable Natives. This Area was covered with Mats in a conical shape.—The Lightning entered at the Top, and burnt a Bamboo for about eight inches.—It had then run along the Bamboo for about four feet, splitting it to that point; when being immediately over an iron rod, which was fastened to a cross Bamboo about three feet beneath the former one for the purpose of hanging a Lamp on—it left the Bamboo, for the Iron—and the unfortunate woman happening to be just passing under the Rod at the time, it struck her, and killed her on the spot. Another Person who was sitting in a room immediately over that in which the Man was killed, felt a severe shock and as a small mark on his left breast resembling that of blister occasioned by heat, after it has burst.—*John Bull.*

### Mermaid at Bombay.

To the Editor of the Bombay Courier.

SIR,

Many of your readers at the presidency will be glad to learn that, as Mermaids have been so much the fashion of late both in London and at Calcutta, we humble Bombay wallas are not far behind our neighbours. An animal of this species and of a size much larger than has been hitherto seen, was brought to our port a few days ago, from the Eastern seas.

It is unnecessary to attempt any description of it here, as any person possessed of a moderate share of curiosity and a very small sum of money, may be indulged with a sight of this rare creature, every day from sun-rise to sun-set, at the New Bander near the Saluting Battery.

I am, Sir, Your obedient Servant,

—Z.

### Leave of absence to Sick Officers.

To the Editor of the Bombay Courier.

SIR,

Doubt existing amongst many Officers, who have been compelled to proceed to Sea or the Cape of Good Hope, on sick Certificate, whether such time was included in the period of their service, you will oblige a Subscriber by giving publicity to the enclosed order of the Hon'ble the Court of Directors, on this important subject.

G. O. By Government. Fort St. George, January 17, 1823.

The Honorable the Governor in Council is pleased to direct, that the following Extract from a letter from the Hon'ble the Court of Directors to the Supreme Government, under date the 12th of March 1802, be published in General Orders for the information and guidance of the Army of this Presidency.

"We have determined to allow the period of time, during which Officers may be absent under regular permission, either to the Cape of Good Hope or the other settlements, to be included in their length of service, in calculating the period required to entitle them to retire on full Pay; but it must be clearly understood, that such absence is occasioned by ill health only, for if Officers are permitted to proceed to the other settlements on their own private concerns or for their own pleasure, it seems no more than reason able that the period of such absence, on these accounts, should be considered in the same light, as if they had been allowed to come to Europe on similar causes."

### Marriage.

At Jaffnapatam, on the 16th ultimo, by the Reverend JOSEPH KNIGHT, the Reverend R. CARVER, Wesleyan Missionary, to Miss ANDERSON, Daughter of J. T. ANDERSON, Esq.

### Births.

On the 3d instant, the Lady of JAMES WEIR HOGG, Esq. of a Son.

At Trichinopoly, on the 16th ultimo, the Lady of JOHN BIRD, Esq. of a Son.

At Madras, on the 14th ultimo, the Lady of Captain JONES, of the 22d Regiment, of a Son.

### Deaths.

On the 21st ultimo, near Moughair, CHARLOTTE WILMOT, third Daughter of Captain J. C. CARNE, of the Pension Establishment, aged 3 years, 1 month and 21 days.